

6-11-92

Vol. 57 No. 113

# United States Government Printing Office

# fedERAL Register

---

Thursday  
June 11, 1992

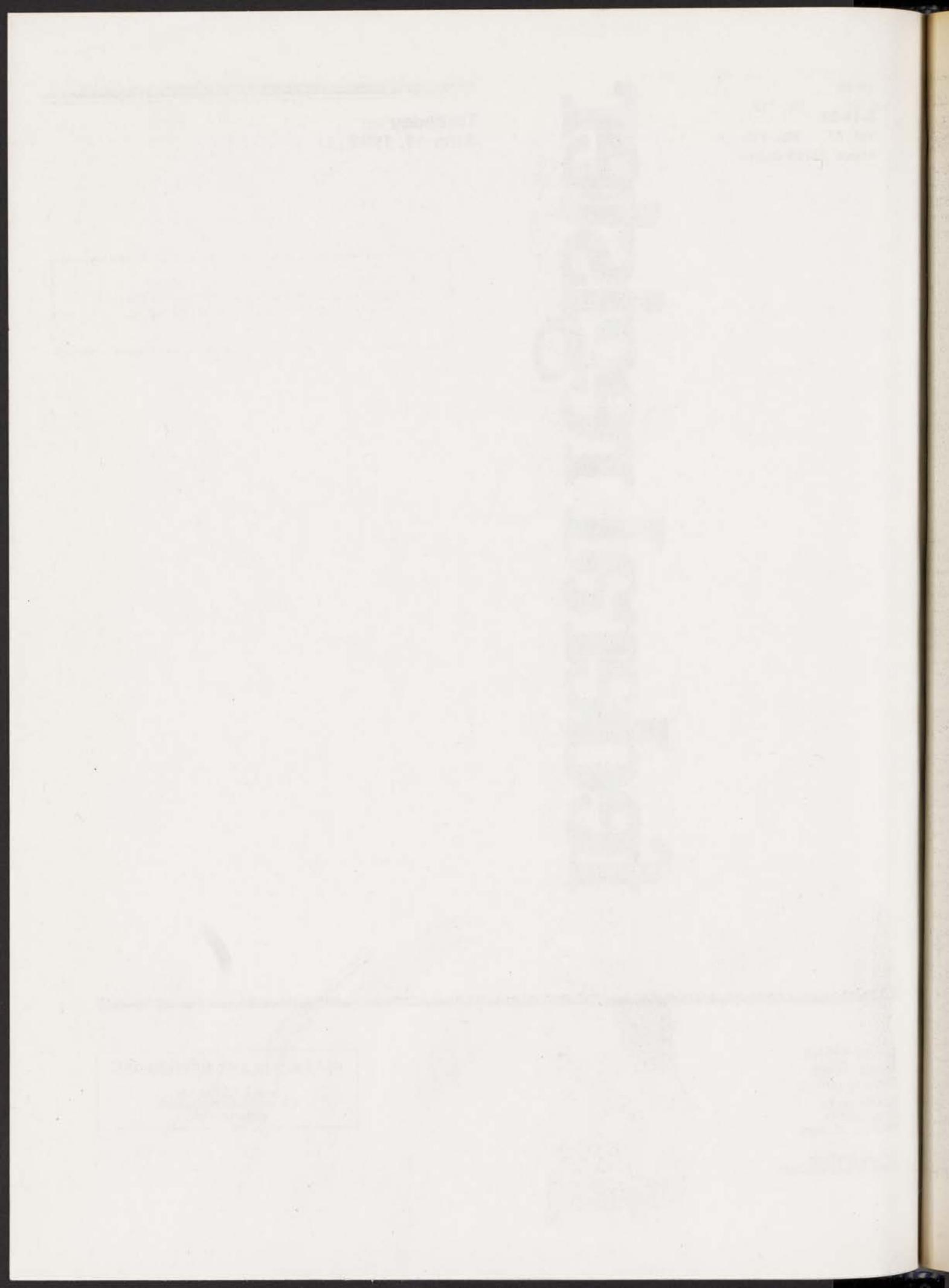
United States  
Government  
Printing Office

SUPERINTENDENT  
OF DOCUMENTS  
Washington, DC 20402

OFFICIAL BUSINESS  
Penalty for private use, \$300

SECOND CLASS NEWSPAPER

Postage and Fees Paid  
U.S. Government Printing Office  
(ISSN 0097-6326)



6-11-92

Vol. 57 No. 113  
Pages 24749-24934

# Federal Register

Thursday  
June 11, 1992

**Briefing on How To Use the Federal Register**  
For information on a briefing in Chicago, IL, see  
announcement on the inside cover of this issue.



**FEDERAL REGISTER** Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** will be furnished by mail to subscribers for \$340 per year in paper form; \$195 per year in microfiche form; or \$37,500 per year for the magnetic tape. Six-month subscriptions are also available at one-half the annual rate. The charge for individual copies in paper or microfiche form is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound, or \$175.00 per magnetic tape. Remit check or money order, made payable to the Superintendent of Documents. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 57 FR 12345.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche	202-783-3238
Magnetic tapes	512-2235
Problems with public subscriptions	512-2303

#### Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	512-2235
Problems with public single copies	512-2457

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche	523-5240
Magnetic tapes	512-2235
Problems with Federal agency subscriptions	523-5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

## THE FEDERAL REGISTER

### WHAT IT IS AND HOW TO USE IT

**FOR:** Any person who uses the **Federal Register** and Code of Federal Regulations.

**WHO:** The Office of the **Federal Register**.

**WHAT:** Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the **Federal Register** system and the public's role in the development of regulations.
2. The relationship between the **Federal Register** and Code of Federal Regulations.
3. The important elements of typical **Federal Register** documents.
4. An introduction to the finding aids of the FR/CFR system.

**WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### CHICAGO, IL

**WHEN:** June 16; 9:00 a.m.  
**WHERE:** Room 328

Ralph H. Metcalfe Federal Building  
 77 W. Jackson  
 Chicago, IL

**RESERVATIONS:** Call the Federal Information Center,  
 1-800-366-2998

# Contents

## Federal Register

Vol. 57, No. 113

Thursday, June 11, 1992

### Agency for Toxic Substances and Disease Registry

#### NOTICES

Grants and cooperative agreements; availability, etc.:  
Human health effects of fish consumption in Great Lakes region, 24795

### Agriculture Department

*See* Animal and Plant Health Inspection Service

*See* Forest Service

#### NOTICES

Agency information collection activities under OMB review, 24769

### Air Force Department

#### NOTICES

Active military service and discharge determinations:

Civilians of American Field Service (AFS) who served overseas under U.S. Armies and U.S. Army Groups (December 7, 1941 - May 8, 1945), 24781

### Animal and Plant Health Inspection Service

#### NOTICES

Environmental statements; availability, etc.:

Genetically engineered organisms; field test permits—  
Soybean, etc., 24770-24772

Genetically engineered organisms for release into environment; permit applications, 24769

### Antitrust Division

#### NOTICES

National cooperative research notifications:

Agricultural Container Research Council, Inc., 24816  
Gas Utilization Research Forum; correction, 24848  
National Center for Manufacturing Sciences, Inc., 24816  
Southwest Research Institute, 24817

### Arts and Humanities, National Foundation

*See* National Foundation on the Arts and the Humanities

### Children and Families Administration

#### NOTICES

Grants and cooperative agreements; availability, etc.:  
Coordinated discretionary funds program, 24850

### Civil Rights Commission

#### NOTICES

Meetings; State advisory committees:

Arkansas, 24780  
Louisiana, 24780  
Maryland, 24780

### Coast Guard

#### RULES

Ports and waterways safety:

Chicago, IL, ports; safety zone, 24750  
Woodlawn Beach, NY; safety zone, 24750

### Commerce Department

*See* Foreign-Trade Zones Board

*See* International Trade Administration

*See* National Oceanic and Atmospheric Administration

### NOTICES

Agency information collection activities under OMB review, 24774

### Committee for the Implementation of Textile Agreements

#### NOTICES

Cotton, wool, and man-made textiles:  
Thailand, 24779

### Commodity Futures Trading Commission

#### NOTICES

Contract market proposals:  
MidAmerica Commodity Exchange—  
Three-month Eurodollar time deposit, 24780

### Defense Department

*See* Air Force Department

### Education Department

#### RULES

Elementary and secondary education:  
Migrant education program; progress evaluation requirements, 24751

#### NOTICES

Meetings:

National Education Commission on Time and Learning, 24781

### Energy Department

*See* Federal Energy Regulatory Commission

#### NOTICES

Natural gas exportation and importation:

LEDCO, Inc., 24786  
Selkirk Cogen Partners, L.P., 24786

Powerplant and industrial fuel use; new electric powerplant coal capability; compliance certifications:  
EEA III, L.P., 24788

### Environmental Protection Agency

#### RULES

Air quality implementation plans; approval and promulgation; various States:  
Michigan, 24752

Hazardous waste:

State underground storage tank program approvals—  
Maine, 24759

Hazardous waste program authorizations:

Idaho, 24757

#### PROPOSED RULES

Hazardous waste:

Hazardous waste manifest rule negotiated rulemaking advisory committee; establishment, 24765

#### NOTICES

Air pollution control; new motor vehicles and engines:  
California pollution control standards, 24788

Meetings:

Grand Canyon Visibility Transport Commission, 24790

### Executive Office of the President

*See* Presidential Documents

**Federal Aviation Administration****NOTICES**

Advisory circulars; availability, etc.:

## Aircraft—

Identification and registration marking, 24842

## Meetings:

Aviation Security Advisory Committee, 24842

Passenger facility charges; applications, etc.:

Kent County International Airport, MI, 24842

**Federal Deposit Insurance Corporation****NOTICES**

Agency information collection activities under OMB review, 24790

**Federal Energy Regulatory Commission****NOTICES**

Environmental statements; availability, etc.:

William C. Porter Farm Co., 24781

## Natural Gas Policy Act:

State jurisdictional agencies tight formation recommendations; preliminary findings—

Oklahoma State Corporation Commission, 24781

## Preliminary permits surrender:

Gassaway, WV, 24782

*Applications, hearings, determinations, etc.:*

Arkla Energy Resources, 24782

El Paso Natural Gas Co., 24782

Gas Transport, Inc., 24783

Jupiter Energy Corp., 24783

Louisiana Resources Pipeline Co., Limited Partnership, 24783

Northern Natural Gas Co., 24784

Northwest Pipeline Corp., 24784

Ozark Gas Transmission System, 24784

Questar Pipeline Co., 24785

Sonat Intrastate-Alabama Inc., 24785

Tarpon Transmission Co., 24785

Transcontinental Gas Pipe Line Corp., 24785

Williams Natural Gas Co., 24785

Wyoming Interstate Co., Ltd., 24786

**Federal Highway Administration****NOTICES**

Metric conversion policy, 248453

**Federal Reserve System****NOTICES***Applications, hearings, determinations, etc.:*

BankAmerica Corp., 24791

Bankers Trust New York Corp. et al., 24792

Freeman, Conrad N., et al., 24792

Mid Am. Inc., et al., 24792

ONBANCORP, Inc., et al., 24793

**Federal Transit Administration****PROPOSED RULES**

Fixed guideway systems; State safety oversight; hearings, 24768

**Financial Management Service**See **Fiscal Service****Fiscal Service****NOTICES**

Senior Executive Service:

Financial Management Service Performance Review Board; membership, 24847

**Foreign-Trade Zones Board****NOTICES***Applications, hearings, determinations, etc.:*

Nebraska, 24775

**Forest Service****NOTICES**

Appeal exemptions; timber sales:

Apalachicola National Forest, FL, 24773

Environmental statements; availability, etc.:

Southern Region; suppression of southern pine beetles, 24773

**General Services Administration****RULES**

Federal property management:

Aviation, transportation, and motor vehicles—

U.S. Government Certificate to Obtain Title to Vehicle (Standard Form 97); revision, 24761

U.S. Government license plates, 24760

**PROPOSED RULES**

Federal property management:

Supplies and services for Government agencies; payments, 24767

**Health and Human Services Department**

See Agency for Toxic Substances and Disease Registry

See Children and Families Administration

See Health Care Financing Administration

See National Institutes of Health

See Public Health Service

**NOTICES**

Nondiscrimination on basis of handicap in federally conducted programs and activities; self-evaluation report availability, 24793

**Health Care Financing Administration****NOTICES**

Medicare:

Program issuances and coverage decisions; quarterly listing, 24797

**Health Resources and Services Administration**

See Public Health Service

**Interior Department**

See Land Management Bureau

See National Park Service

**Internal Revenue Service****RULES**

Income taxes:

Low-income housing credit, 24749

Minimum tax; benefit rule

Correction, 24848

**International Trade Administration****NOTICES***Applications, hearings, determinations, etc.:*

Cornell University Medical College et al.; correction, 24848

**Interstate Commerce Commission****NOTICES**

Railroad operation, acquisition, construction, etc.:

Union Pacific Railroad Co. et al., 24815

**Justice Department**

See Antitrust Division

**RULES**

Public safety officers' death and disability benefits program, 24912

**NOTICES**

Pollution control; consent judgments:

Ariens Co. et al., 24817

Chaparral Steel Co., 24818

Folkertsma, MI, et al., 24818

**Labor Department**

See Pension and Welfare Benefits Administration

**Land Management Bureau****NOTICES**

Agency information collection activities under OMB review, 24807

Coal leases, exploration licenses, etc.:

Colorado, 24807

Montana, 24807

Management framework plans, etc.:

Idaho and Oregon, 24808

Meetings:

Susanville District Grazing Advisory Board, 24808

Worland District Multiple Use Advisory Council, 24809

Motor vehicles; off-road vehicle designations:

California, 24809

Oil and gas leases:

Wyoming, 24809

Realty actions; sales, leases, etc.:

California, 24809, 24810

Nevada, 24810

Utah, 24811

Resource management plans, etc.:

Las Vegas District, NV, 24811

Survey plat filings:

Colorado, 24812

**Legal Services Corporation****NOTICES**

Grant and cooperative agreement awards:

Yale Law School et al., 24829

**Maritime Administration****NOTICES**

Applications, hearings, determinations, etc.:

American President Lines, Ltd., 24846

Lykes Bros. Steamship Co., Inc., 24846

**National Foundation on the Arts and the Humanities****NOTICES**

Meetings:

Arts Education Advisory Panel, 24830

**National Institutes of Health****NOTICES**

Meetings:

National Center for Human Genome Research, 24805

National Heart, Lung, and Blood Institute, 24805

**National Oceanic and Atmospheric Administration****NOTICES**

Environmental statements; availability, etc.:

Atlantic Ocean scup and black sea bass, 24775

Permits:

Marine mammals, 24777-24779

**National Park Service****NOTICES**

Environmental statements; availability, etc.:

Antietam National Battlefield, MD, 24812

Cape Cod National Seashore, MA, 24813

Meetings:

Chesapeake and Ohio Canal National Historical Park Commission, 24813

National Park System Advisory Board, 24814

Preservation of Jazz Advisory Commission, 24814

Sudbury, Assabet and Concord Rivers Study Committee, 24814

National Register of Historic Places:

Eligibility determinations, 24814, 24815

**National Science Foundation****NOTICES**

Meetings:

Biological Sciences Advisory Committee, 24830

Design and Manufacturing Systems Special Emphasis Panel, 24830

Electrical and Communications Systems Special Emphasis Panel, 24830

Experimental Programs to Stimulate Competitive Research Special Emphasis Panel, 24831

Materials Research Special Emphasis Panel, 24831

**Nuclear Regulatory Commission****PROPOSED RULES**

Byproduct material; domestic licensing and medical use:

Radiopharmaceuticals; departures from manufacturer's instructions; recordkeeping requirements elimination, 24763

**NOTICES**

Environmental statements; availability, etc.:

Long Island Power Authority, 24832

Sweetwater Uranium Mill, WY, 24831

Toledo Edison Co. et al., 24832

Senior Executive Service:

Performance Review Boards; membership, 24833

Uranium mill tailings sites, reclamation plans; license amendment requests:

Sohio Western Mining Co., 24833

Applications, hearings, determinations, etc.:

Army Materials Technology Laboratory, 24834

**Pension and Welfare Benefits Administration****NOTICES**

Employee benefit plans; prohibited transaction exemptions:

Cisco Systems, Inc., et al., 24818

Vital Signs, Inc., et al., 24827

**Presidential Documents****ADMINISTRATIVE ORDERS**

Angola; determination that has ceased to be Marxist-Leninist country (Presidential Determination No. 92-32 of June 3, 1992), 24933

Defense articles and services eligibility:

Comoros (Presidential Determination No. 92-28 of May 26, 1992), 24927

Foreign assistance determinations:

Ethiopia; certification under Horn of Africa Recovery and Food Security Act (Presidential Determination No. 92-27 of May 26, 1992), 24925

Trade Act of 1974; determinations and waivers:

Albania, Armenia, Azerbaijan, Bulgaria, Belarus,

Georgia, Kazakhstan, Kyrgyzstan, Moldova,

Mongolia, Romania, Russia, Ukraine, and Uzbekistan (Presidential Determination No. 92-30 of June 3, 1992), 24924

Tajikistan and Turkmenistan (Presidential Determination  
No. 92-31 of June 3, 1992), 24931

**Public Health Service**

*See* Agency for Toxic Substances and Disease Registry

*See* National Institutes of Health

**NOTICES**

National toxicology program:

Carcinogens ninth annual report, 24806

**Railroad Retirement Board**

**NOTICES**

Agency information collection activities under OMB review;  
correction, 24848

Meetings:

Actuarial Advisory Committee, 24835

**Securities and Exchange Commission**

**NOTICES**

Self-regulatory organizations; proposed rule changes:

National Association of Securities Dealers, Inc., 24835

*Applications, hearings, determinations, etc.:*

Advantage Growth & Treasury Securities Trust et al.,  
24836

Hutton AMA Cash Fund, Inc., 24840

Hutton Government Fund, Inc., 24840

Hutton National Municipal Fund Inc., 24841

**Textile Agreements Implementation Committee**

*See* Committee for the Implementation of Textile  
Agreements

**Toxic Substances and Disease Registry Agency**

*See* Agency for Toxic Substances and Disease Registry

**Transportation Department**

*See* Coast Guard

*See* Federal Aviation Administration

*See* Federal Highway Administration

*See* Federal Transit Administration

*See* Maritime Administration

**Treasury Department**

*See* Fiscal Service

*See* Internal Revenue Service

---

**Separate Parts In This Issue**

**Part II**

Department of Health and Human Services, Administration  
for Children and Families, 24850

**Part III**

Department of Justice, 24912

**Part IV**

The President, 24925

---

**Reader Aids**

Additional information, including a list of public  
laws, telephone numbers, and finding aids, appears  
in the Reader Aids section at the end of this issue.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**3 CFR****Administrative Orders:**

Presidential Determinations:	
No. 92-27 of	
May 26, 1992.....	24925
No. 92-28 of	
May 26, 1992.....	24927
No. 92-30 of	
June 3, 1992.....	24929
No. 92-31 of	
June 3, 1992.....	24931
No. 92-32 of	
June 3, 1992.....	24933

**10 CFR****Proposed Rules:**

30.....	24763
35.....	24763

**26 CFR**

1 (2 documents).....	24749,
	24848
602.....	24848

**28 CFR**

32.....	24912
---------	-------

**33 CFR**

165 (2 documents).....	24750
------------------------	-------

**34 CFR**

201.....	24751
----------	-------

**40 CFR**

52.....	24752
272.....	24757
281.....	24759

**Proposed Rules:**

Ch. I.....	24765
------------	-------

**41 CFR**

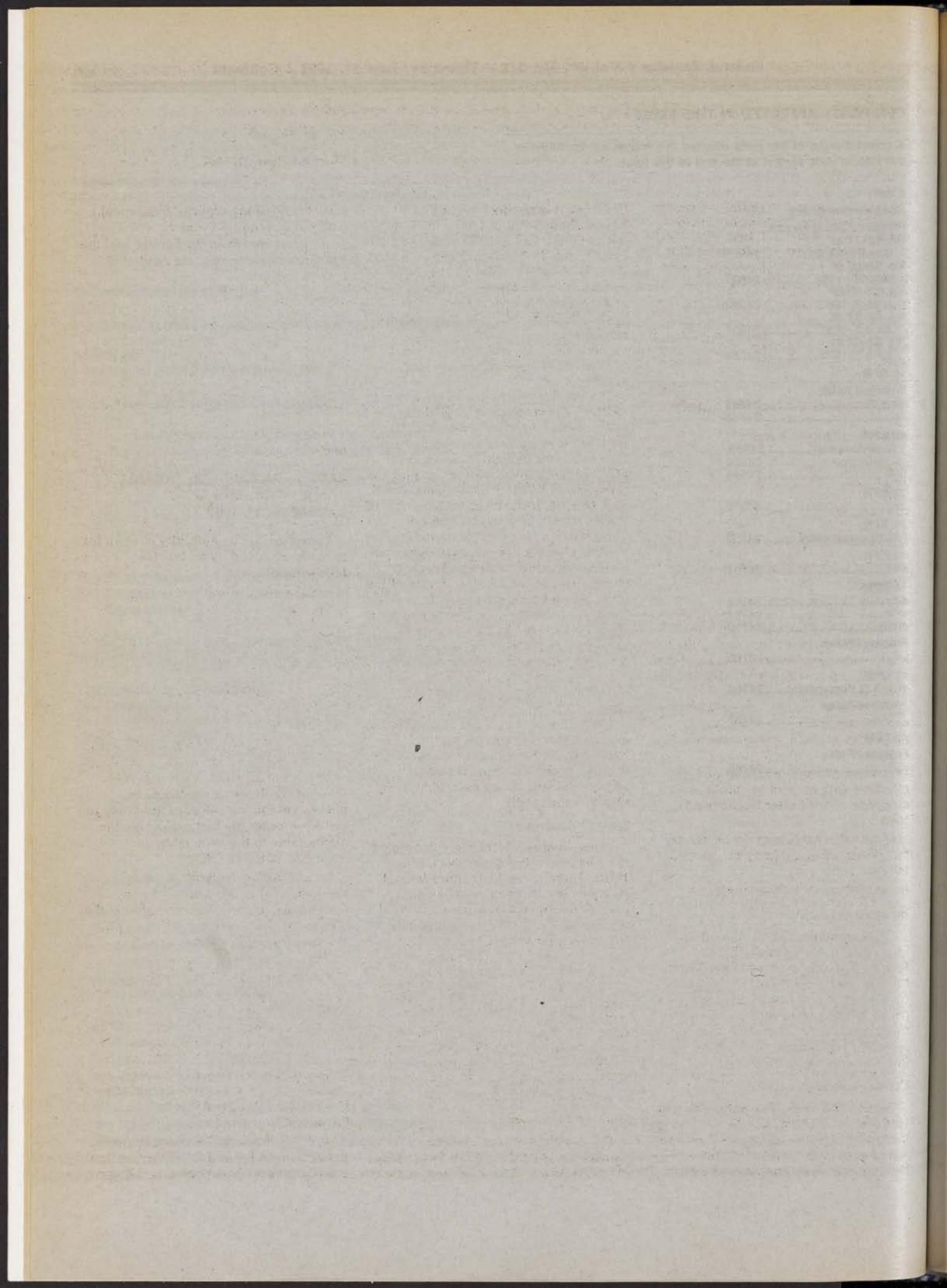
101-3 (2 documents).....	24760
--------------------------	-------

**Proposed Rules:**

101-2.....	24767
------------	-------

**49 CFR****Proposed Rules:**

659.....	24768
----------	-------



# Rules and Regulations

Federal Register

Vol. 57, No. 113

Thursday, June 11, 1992

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[T.D. 8420]

RIN 1545-AO90

#### Low-Income Housing Credit

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final Income Tax Regulations concerning the low-income housing credit under section 42 of the Internal Revenue Code of 1986. The final regulations address the application of the not-for-profit rules of section 183 to activities entitling taxpayers to claim low-income housing credits.

**EFFECTIVE DATE:** The regulations are effective with respect to buildings placed in service after December 31, 1986.

**FOR FURTHER INFORMATION CONTACT:** Paul F. Handleman, (202) 377-6349 (not a toll-free call).

#### SUPPLEMENTARY INFORMATION:

##### Background

On November 13, 1991, the Internal Revenue Service published in the *Federal Register* a notice of proposed rulemaking (56 FR 57605) under section 42. No public comments or requests for a public hearing were received concerning these regulations. Therefore, the proposed regulations are adopted by this Treasury decision unchanged.

#### Explanation of Provisions

Section 252 of the Tax Reform Act of 1986 (Pub. L. 99-514), as amended by the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 101-647), the Revenue Reconciliation Act of 1989

(Pub. L. 101-239), the Revenue Reconciliation Act of 1990 (Pub. L. 101-508), and the Tax Extension Act of 1991 (Pub. L. 102-227), enacted and amended the low-income housing credit under section 42 of the Internal Revenue Code of 1986. Since the enactment of the low-income housing credit, taxpayers have raised questions concerning the application of the not-for-profit rules of section 813 to low-income housing credit activities.

The low-income housing credit under section 42 replaced a variety of tax preferences available under prior law for low-income rental housing because the credit was thought to be a more efficient mechanism for encouraging the provision of low-income housing. See S. Rep. No. 313, 99th Cong., 2d Sess. 758-59 (1986), 1988-3 (Vol. 3) C.B. 758-59.

Although no explicit reference is contained in section 42 or its legislative history regarding its interaction with section 183, the legislative history of the low-income housing credit indicates that Congress contemplated that tax benefits such as the credit and depreciation would be available to taxpayers investing in low-income housing, even though such an investment would not otherwise provide a potential for economic return.

Therefore, to reflect the congressional intent in enacting section 42, the regulatory authority under section 42(n) is being exercised to provide that section 183 will not be used to limit or disallow the credit.

#### Special Analyses

These final regulations are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

#### Drafting Information

The principal author of these regulations is Paul F. Handleman, Office of the Assistant Chief Counsel

(Passsthroughs and Special Industries), Internal Revenue Service. However, other personnel from the Service and the Treasury Department participated in their development.

#### List of Subjects

#### 26 CFR 1.37-1 through 1.44A-1

Credits, Income taxes, Reporting and recordkeeping requirements.

#### Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

#### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

**Paragraph 1.** The authority citation for part 1 is amended by adding the following citation:

Authority: Sec. 7805, 68A Stat. 917 (26 U.S.C. 7805) \* \* \* Section 1.42-4 is also issued under 26 U.S.C. 42(n) \* \* \*

**Par. 2.** New § 1.42-4 is added to read as follows:

#### § 1.42-4 Application of not-for-profit rules of section 183 to low-income housing credit activities.

(a) *Inapplicability to section 42.* In the case of a qualified low-income building with respect to which the low-income housing credit under section 42 is allowable, section 183 does not apply to disallow losses, deductions, or credits attributable to the ownership and operation of the building.

(b) *Limitation.* Notwithstanding paragraph (a) of this section, losses, deductions, or credits attributable to the ownership and operation of a qualified low-income building with respect to which the low-income housing credit under section 42 is allowable may be limited or disallowed under other provisions of the Code or principles of tax law. See, e.g., sections 38(c), 163(d), 465, 469; *Knetsch v. United States*, 364 U.S. 361 (1960), 1961-1 C.B. 34 ("sham" or "economic substance" analysis); and *Frank Lyon Co. v. Commissioner*, 435 U.S. 561 (1978), 1978-1 C.B. 46 ("ownership" analysis).

(c) *Effective date.* The rules set forth in paragraphs (a) and (b) of this section are effective with respect to buildings

placed in service after December 31, 1986.

**Shirley D. Peterson,**  
*Commissioner of Internal Revenue.*

Approved: April 8, 1992.

**Fred T. Goldberg, Jr.,**  
*Assistant Secretary of the Treasury*  
[FR Doc. 92-13683 Filed 6-10-92; 8:45 am]  
BILLING CODE 4830-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP Chicago Regulation CGD09-92-04]

#### Safety Zone Regulations: Ports of Chicago, IL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone in and around waters and shoreline areas of the Chicago River, Main, North and South Branch to support repair and dewatering operations due to the collapse of a tunnel in the vicinity of the Kinzie Street Bridge in the port of Chicago.

The zone is needed to protect City and U.S. Army Corps of Engineers equipment and personnel involved in the sealing of the tunnel and the divers surveying other tunnels in the Main, North and South Branch of the Chicago River.

Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATE:** This regulation becomes effective on April 16, 1992, and it terminates on July 30, 1992.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander J.G. Tuttle at (312) 353-1226.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and it is being made effective in less than 30 days after Federal Regulation publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent further damage to the tunnel system and to protect the work and survey crews in the area affecting repairs.

#### Drafting Information

The drafters of this regulation are Lieutenant Commander J.G. Tuttle, project officer for the Captain of the Port, and Commander M. Eric Reeves.

project attorney, Ninth Coast Guard District Legal Office.

#### Discussion of Regulation

The event requiring this regulation will occur between April 16, 1992 and July 30, 1992. This safety zone is to support the U.S. Army Corp of Engineers in the performing statutory duties and ensure the safety of divers and work crews in the Main North and South Branch of the Chicago River conducting repairs to the damaged tunnel and survey of other river crossing of the tunnel system during dewatering operations.

#### List of Subjects in 33 CFR Part 165

Harbors Marine Safety, Navigation (water), Security measures, Vessels, Waterways.

#### Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 40 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5.

2. A new § 165.T09-40 is added to read as follows:

#### § 165.T09-40 Safety Zone: Port of Chicago, IL

(a) **Location.** The following area is a safety zone:

(1) Chicago River, North Branch, in the vicinity of the Kinzie Street Bridge between the entrance to the North Branch at Wolf Point (Mile 325.5) and the Grand Avenue Bridge (Mile 326.0) and the associated shorelines 10 feet from the water.

(2) Chicago River, Main Branch, from the Chicago Harbor Lock River Gate (mile 327.2) to Wolf Point (mile 325.5) and the associated shorelines 10 feet from the water.

(3) Chicago River, South Branch, from Wolf Point (mile 325.5) to the Cermak Road Bridge (mile 323.4) and the associated shorelines 10 feet from the water.

(b) **Effective Date.** This regulation becomes effective on April 16, 1992 it terminates at July 30, 1992 unless terminated sooner by the Captain of the Port.

(c) **Regulations.** In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: April 15, 1992.

**L.J. Balok,**

*Captain, U.S. Coast Guard, Captain of the Port.*

[FR Doc. 92-13768 Filed 6-10-92; 8:45 am]

BILLING CODE 4910-14-M

## 33 CFR Part 165

[COTP Buffalo Regulation 92-001]

#### Safety Zone Regulations: Woodlawn Beach, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone in Lake Erie off Woodlawn Beach, NY. The zone is needed to ensure the safety of people, vessels, and aircraft participating in a joint military service airborne/seaborne amphibious assault exercise. It is also needed to protect spectator craft and other vessels from the hazards associated with the exercise. Entry into this zone is prohibited unless authorized by the Captain of the Port, Buffalo, New York, or his designated representative.

**EFFECTIVE DATES:** This regulation is effective from 9 a.m. to 4 p.m. on June 27, 1992 unless otherwise terminated by Captain of the Port, Buffalo, New York.

**FOR FURTHER INFORMATION CONTACT:** QM1 P. H. O'Keefe, c/o Commanding Officer, U.S. Coast Guard Marine Safety Office, 111 W. Huron St., Buffalo, NY 14202-2395; telephone (716) 846-4168.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rule making was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent potential danger to the vessels involved and to other waterway users. In preparing this regulation, local recreational fisherman were consulted. As a result, the western boundary of the safety zone was drawn inshore of Seneca Shoals, a popular fishing area.

#### Drafting Information

The drafters of this regulation are QM1 P. H. O'Keefe, project officer for the Captain of the Port, Buffalo, New York, and CDR M. E. Reeves, project attorney, Ninth Coast Guard District Legal Office.

### Discussion of Regulation

The event requiring this regulation is a joint service airborne/seaborne amphibious assault exercise centered around the USS BOULDER and simulating the assault of Woodlawn Beach on Lake Erie just south of Buffalo, NY. Amphibious assault vehicles launched from the USS BOULDER, Navy SEALS conducting water landings via parachute, and helicopters delivering additional troops to the beach are several evolutions that will be included in the exercise. A safety zone is needed to protect spectator craft and other vessels from the hazards inherent with this level and type of activity. It is also needed to ensure that the safety of the exercise is not compromised by wakes and other hazards associated with transiting vessels.

This regulation is issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of part 165.

### Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this emergency rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

### Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-8 and 160.5; 49 CFR 1.46.

2. A new temporary § 165.T0944 is added to read as follows:

#### § 165.T0944 Safety Zone: Woodlawn Beach, NY.

(a) *Location.* The waters of Lake Erie within an area encompassed by the following boundaries is a safety zone: A southern boundary from the shoreline at position 42°46'48" N, 78°51'42" W running due west on a bearing of 270° true to position 42°46'48" N, 78°55' W. A western boundary from position 42°48'48" N, 78°55' W running due north on a bearing of 000° true to position 42°48'24" N, 78°55' W. A northern boundary from position 42°48'24" N, 78°55' W running due east on a bearing

of 090° true to the intersection with the shoreline at position 42°48'24" N, 78°51'45" W, and an eastern boundary formed by the Woodlawn Beach shoreline.

(b) *Effective date.* This regulation is effective from 8 a.m. to 4 p.m. on June 27, 1992 unless otherwise terminated or revised by the Captain of the Port, Buffalo, New York.

(c) *Regulations.* In accordance with the general regulations in section 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, Buffalo, New York.

Dated: May 19, 1992.

G.S. Cope,

*Commander, U.S. Coast Guard, Captain of the Port, Buffalo, NY.*

[FR Doc. 92-13767 Filed 6-10-92; 8:45 am]

BILLING CODE 4910-14-M

### DEPARTMENT OF EDUCATION

#### 34 CFR Part 201

RIN 1810-AA63

#### Chapter 1—Migrant Education Program

AGENCY: Department of Education.

ACTION: Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the Chapter 1—Migrant Education Program, operated under subpart 1 of part D, chapter 1 of title I of the Elementary and Secondary Education Act of 1965. These amendments remove the requirement that the educational progress of migratory children be evaluated, to the extent possible, in comparison to an appropriate non-project comparison group.

**EFFECTIVE DATE:** These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments, with the exception of § 201.52. Section 201.52 will become effective after the information collection requirements contained in that section have been submitted by the Department of Education and approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the Federal Register.

#### FOR FURTHER INFORMATION CONTACT:

James English, Office of Migrant Education, Office of Elementary and Secondary Education, U.S. Department

of Education, 400 Maryland Avenue, SW., room 2149, FOB-6, Washington, DC, 20202-6135. Telephone: (202) 401-0744. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

### SUPPLEMENTARY INFORMATION:

#### Background

On October 23, 1989, final regulations for the Chapter 1—Migrant Education Program (34 CFR part 201) were published in the *Federal Register* (54 FR 43219). Sections 201.52 (b)(1), (c), and (d) and 201.54 of these regulations currently require that State educational agencies (SEAs) and local educational agencies (LEAs) use, to the extent possible, evaluation procedures that involve measurement of the educational progress of project participants against the performance of an appropriate non-project comparison group.

Since publication of the regulations, the Department has determined that the existing requirement for use of a non-project comparison group is difficult to implement for programs and projects serving migratory students.

On January 24, 1992, the Secretary published a notice of proposed rulemaking (NPRM) for this program in the *Federal Register* (57 FR 2863). This NPRM proposed removing the requirements for non-project comparison groups from the regulations. Even without this requirement, evaluations of the migrant programs and projects would still have to be based upon objective measures of the educational progress of program participants including, if possible, the use of national or State-normed achievement tests. For this reason, the Secretary stressed in the NPRM that removing the non-project comparison requirements would not impact adversely on the Chapter 1—Migrant Education Program. Program grantees and subgrantees could, if they wish, continue to use non-project comparison groups as an option in designing and implementing evaluations of their own activities.

This change supports AMERICA 2000, the President's strategy for moving the Nation toward the National Educational Goals, by providing flexibility while holding SEAs and LEAs accountable for results.

#### Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, the Department

received two comments. An analysis of the comments follows.

**Comments:** Of the two comments received, one supported and one disagreed with the change proposed in the NPRM. The commenter supporting the proposed change noted that special circumstances exist in migrant education that make identification of a comparison group inappropriate and indicated that the proposed change would improve program operations. The commenter who disagreed with the proposed change stated that reverting to a less stringent evaluation standard for migratory children was discriminatory and would have adverse future economic consequences for these children.

**Discussion:** The Secretary continues to believe that the requirement for evaluations to use non-project comparison groups, if possible, is unnecessary and that program accountability can be maintained adequately under the remaining evaluation requirements. The Secretary believes that this regulatory change is purely technical and will not have any discriminatory or otherwise adverse impact on migratory children.

**Changes:** None.

#### Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

#### Executive Order 12606

The Secretary certifies that these regulations have been reviewed in accordance with Executive Order 12606 and that they do not have a significant negative impact on family formation, maintenance, and general well-being.

#### Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities because the regulations primarily affect States and State agencies, which are not defined as "small entities" under the Regulatory Flexibility Act.

The small entities that would be affected are small LEAs receiving Federal funds under this program. The regulations will remove a difficult and unnecessary requirement without imposing a significant economic impact on these small LEAs.

#### Intergovernmental Review

This program is subject to the requirements of Executive Order 12372

and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

#### List of Subjects in 34 CFR Part 201

Children, Education, Evaluation, Grant programs-education, Local educational agencies, Migratory children, Migratory workers, Reporting and recordkeeping requirements, State educational agencies.

(Catalog of Federal Domestic Assistance Number 84.011 Migrant Education Basic State Formula Grant Program)

Dated: May 8, 1992.

Lamar Alexander,  
Secretary of Education.

The Secretary amends part 201 of title 34 of the Code of Federal Regulations as follows:

#### PART 201—CHAPTER 1—MIGRANT EDUCATION PROGRAM

1. The authority citation for part 201 continues to read as follows:

Authority: 20 U.S.C. 2781-2782, unless otherwise noted.

2. Section 201.52 is amended by revising paragraphs (b)(1), (c), and (d) to read as follows:

##### § 201.52 Evaluation Information to be collected.

\* \* \* \*

(b) \* \* \*

(1) Objective measures of the educational progress of project participants (including educational achievement in basic skills) as measured, if possible, over a 12-month testing interval through the use of appropriate forms and levels of national or State normed achievement tests. If this is not possible, the SEA or operating agency may use other acceptable measures of educational progress of migratory children, such as changes in attendance patterns, dropout rates, and other objectively applied indicators of student achievement; and

\* \* \* \*

(c) The evaluation design for the summer school instructional project must include objective measures of the educational progress of project participants (including educational

achievement in basic skills) over the project performance period.

(d) During either the regular or summer terms, the evaluation design for any support-service components must include measures of the effects of the project on participants that are consistent with the defined support services objectives. (For example, changes in student attendance rates may be an appropriate measure of the effect of guidance and counseling services.)

#### § 201.54 [Removed]

3. Section 201.54 is removed and reserved.

[FR Doc. 92-13709 Filed 6-10-92; 8:45 am]  
BILLING CODE 4000-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[MI9-1-5287; FRL-4112-S]

#### Approval and Promulgation of Implementation Plan; Michigan

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Notice of final rulemaking.

**SUMMARY:** USEPA is approving a majority of the provisions, while disapproving certain provisions of the State of Michigan's submittal of revised particulate matter regulations. On May 17, 1985, the State submitted rules for the control of particulate matter from iron and steel sources and from other sources in the State. These rules were submitted to fulfill conditions of USEPA's May 22, 1981, approval (46 FR 27923) of the State's Part D total suspended particulates (TSP) State Implementation Plan (SIP). USEPA reviewed this submittal also for conformance with the provisions of the Clean Air Act Amendments enacted on November 15, 1990. USEPA has determined that today's action conforms with those requirements even though that submittal preceded the date of enactment.

**EFFECTIVE DATE:** This final rulemaking becomes effective on July 13, 1992.

**ADDRESSES:** Copies of the SIP revisions, public comments on the notice of rulemaking, and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Christos Panos at (312) 353-8328, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air Toxics and Radiation Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.  
U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:**

Christos Panos, Air and Toxics Radiation Branch (5AT-18J), U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois, 60604-3590 (312) 353-8328.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On September 9, 1980, (45 FR 59329), USEPA published a notice of proposed rulemaking that identified deficiencies in Michigan's regulation for particulate matter and requested a schedule from Michigan for correcting the noted deficiencies. On May 22, 1981, (46 FR 27923), USEPA published a notice of final rulemaking which conditionally approved portions of Michigan's Part D TSP SIP. The conditional approval was based, in part, on a commitment by Michigan to adopt and submit additional or revised rules that reflect Reasonably Available Control Technology (RACT) for certain iron and steel sources (40 CFR 52.1173(b)). RACT-level emission limit and, in some cases, enforceability revisions or clarifications, were required for full USEPA approval.

On May 10, 1984, and May 24, 1984, the State of Michigan submitted draft regulations to USEPA containing proposed revisions to the particulate matter (PM) regulations. The submittal of May 10, 1984, contained initial proposed revisions for parts 1, 3, and 10 of Michigan's Administrative Rules governing air pollution control (Act 348 of 1967, as amended) applicable to PM, especially from iron and steel sources.

On May 17, 1985, the State submitted its final rules revising the regulations for particulate matter. These revised rules were effective at the State level on February 22, 1985. The majority of the revisions in the May 17, 1985, submittal were in response to USEPA's conditional approval based on the State's commitment to correct the deficiencies and adopt emission limits that represents RACT for iron and steel sources in particulate nonattainment areas.

USEPA revised the particulate matter standard on January 1, 1987 (52 FR 24634) and eliminated the TSP ambient air quality standard. The revised standard is expressed in terms of particulate matter with a nominal diameter of 10 micrometers or less (PM<sub>10</sub>). Despite the new standard, at the

State's request, USEPA may continue to process TSP SIP revisions which were in process at the time the PM<sub>10</sub> standard was promulgated. USEPA stated that it would regard existing TSP SIPs as necessary interim plans until the approval of the State's new plans to attain the PM<sub>10</sub> standard. Thus, USEPA would continue to approve revisions to the TSP plans if they contribute toward attainment of the PM<sub>10</sub> standard, i.e., do not relax the TSP SIP.

On February 28, 1989 (54 FR 8354), USEPA published a notice of proposed rulemaking that proposed to approve certain sections and to disapprove other sections of the State's May 17, 1985 submittal. In response to USEPA's proposed rulemaking action, the Michigan Department of Natural Resources (MDNR), and National Steel, Great Lakes Division (Great Lakes) submitted comments. MDNR's comments focused on R336.1301, their general opacity rule. Great Lakes offered similar comments on R336.1301 and provided specific commentary on R336.1331 (Table 31, section C), R336.1352, R336.2031, and R336.2013.

On August 15, 1990, USEPA prepared a technical support document (TSD) to support a final rulemaking action. This document provides a review of comments on USEPA's proposed action, the criteria to be used in judging Michigan's rules, and a reevaluation of Michigan's rules and recommendations for final action. Copies of this TSD are available from the contact person identified above.

On November 15, 1990, the Clean Air Act Amendments of 1990 (Public Law Number 101-549) were signed into law. These Amendments designated certain areas, including a portion of Wayne County, Michigan, nonattainment by operation of law.

On February 20, 1991, an addendum to the August 1990 TSD reviewed the impact of the Clean Air Act Amendments on this rulemaking action. The addendum concluded that these amendments did not affect the criteria used to review Michigan's 1985 submittal. The rationale for this conclusion is explained in the following discussion of the general criteria used in reviewing Michigan's submittal.

**II. General Criteria**

The principal criterion USEPA used in the February 1989 proposed rulemaking was whether each emission limitation constituted RACT as required under section 172(b)(2) of part D of the August 1977 Clean Air Act. USEPA reviewed for RACT because this requirement was still applicable at the time Michigan submitted its revised rules on May 17,

1985. On July 1, 1987, USEPA replaced the TSP national ambient air quality standards (NAAQS) with a PM<sub>10</sub> NAAQS. The promulgation replacing PM<sub>10</sub> NAAQS for TSP NAAQS concluded that part D requirements no longer applied to particulate matter SIPs (52 FR 24677). Thus, the RACT requirement under part D no longer applied. However, the Clean Air Act Amendments of November 1990 amended part D to reinstate the requirement for RACT in certain designated nonattainment areas (e.g., a portion of Wayne County, Michigan). The Amendments provided further that States are required to submit implementation plans satisfying the amended part D requirements (including RACT) for these statutorily designated nonattainment areas by November 15, 1991. Michigan must submit a new plan for the Wayne County nonattainment area to satisfy amended part D requirements. Upon receipt of the plan, USEPA will then evaluate and act (approve, disapprove, or conditionally approve) upon that submittal based on the requirements of the November 1990 part D Amendments.

In this rulemaking action, USEPA concludes that Michigan's 1985 submittal as an interim plan intended to strengthen control of particulate matter in the State. USEPA is evaluating Michigan's submittal on the basis of whether it is more or less stringent than the existing SIP. This evaluation is accomplished by comparing the revised rules submitted on May 17, 1985, with the rules which were approved or conditionally approved on May 22, 1981. Thus, USEPA today is approving those revisions which would make the existing SIP more stringent and is disapproving those revisions which would make the existing SIP less stringent.

**III. Discussion**

The following sections discuss each of the rules in Michigan's submittal. Each section discusses the nature of the rule, the proposed action, response to comments (if any), and final evaluation of the rule underlying today's rulemaking.

**A. Definitions**

A variety of definition rules were included in Michigan's submittal. USEPA proposed to approve the following rules as they apply exclusively to iron and steel sources:

- R 336.1101 (Definition A)
- R 336.1103 (Definition C)
- R 336.1106 (Definition F)
- R 336.1116 (Definition P)
- R 336.1119 (Definition S)

**R 336.1122 (Definition V)**

No adverse comments were received on these rules. Thus, in this rulemaking, USEPA is fully approving these rules as they apply to iron and steel sources.

**B. Rule 336.1301 and the Associated Test Method Rules 336.1303 and 336.2004**

Michigan's revision to rule 336.1301 revised the opacity limitations for sources not subject to category specific opacity limitations. Under the existing SIP, a violation is any single reading exceeding 40% opacity or more than 12 readings per hour exceeding 20% opacity. Under the revised State rule, a violation is any six-minute average opacity exceeding 27% or more than one six-minute average opacity exceeding 20%. The provision for six-minute averaging is the approach used in USEPA's opacity reading method known as Method 9, codified at title 40 of the Code of Federal Regulations, part 60 (40 CFR 60), appendix A. In its February 28, 1989, rulemaking, USEPA proposed to disapprove the revised rule on the basis that it would relax the SIP for intermittent and short-term non-stack emission sources.

The comments from both MDNR and Great Lakes Steel recommended approval of these rules. These comments include statements that (1) the rules should be approved for stack sources; (2) the opacity reading method is the same method used for new source performance standards for many similar source types; (3) separate rules exist for services warranting separate types of opacity limits; (4) a statistical analysis shows the new rule to be no less stringent than the existing rule; and (5) monitored trends of air quality improvements demonstrate that the rule does not represent a relaxation. The TSD contains a discussion of the two sets of comments and USEPA's evaluation of these comments.

A rule which provides more authority to the State to make discretionary decisions must be considered less stringent. The technical support document compares the extent of director's discretion in the revised rules as compared to the existing SIP. Most significantly, the existing SIP authorizes the State to fully exempt any source from the opacity limit, whereas the revised rule permits "exemptions" only for sources also subject to mass emissions limits and further requires that an alternate opacity limit be set. Thus, in these respects, the revised rule is clearly more stringent than the existing SIP. Therefore, USEPA is approving rule 336.1301, which provides

opacity standards, and rules 336.1303 and 336.2004, which provide test methods to measure compliance with these standards.

**C. Rules 336.1320 and 336.1330**

No comments were received on rule 336.1320, which provides for written descriptions of compliance programs, and on rule 336.1330, which covers electrostatic precipitator equipment. Today, USEPA is taking final action to approve these rules into the Michigan SIP.

**D. Rule 336.1331 (Mass Emissions Limits) and the Associated Rules on Test Methods (Part 10, Intermittent Testing and Sampling, of the May 1985 Submittal)**

The May 1985 submittal modified the mass emissions limitations and source testing methods for a variety of operations listed under Table 31. USEPA previously proposed to approve some limits and to disapprove others based on whether these limits represent RACT. RACT, however, is no longer a criterion in this rulemaking action.

The test methods required to enforce rule 336.1331 are described in part 10 of Michigan's submittal, and specified in rule 336.2004, rules 336.2010 through 336.2014, and rule 336.2033. Rule 336.2004 provides a general specification of test methods for source testing, including referencing other rules in part 10. This rule adopts Methods 1 to 4, Methods 6 to 10, and Methods 24 and 25 as codified by USEPA in 40 CFR 60, appendix A. A final paragraph in rule 336.2004 states that "particulate matter emission rates for stationary sources shall be [tested with] 1 or more of" Methods 5A, 5B, 5C, 5D, 5E, and 208C, provided respectively in Rules 336.2010, 336.2011, 336.2012, 336.2013, 336.2014, and 336.2033. USEPA proposed to approve all of these rules except rule 336.2013.

**Comments**—USEPA proposed to disapprove rule 336.2013 because its provisions for testing pushing emissions define a testing period that includes time before the commencement of the actual pushing of coke. Great Lakes objected to this proposed disapproval. Great Lakes stated that "because the mass emissions [limit being tested against] is expressed in pounds of particulate matter per ton of coke, the measured emission rate will be accurate regardless of whether the testing begins when the coke guide and snorkels are engaged [prior to actual pushing] or when the first movement of coke occurs."

**Final Evaluation**—Again, the key criterion in evaluating these rules is whether they are at least as stringent as

the previous rules as incorporated in the existing SIP. This evaluation compares the numerical limit (provided in rule 336.1331) and the test method (provided in part 10) with the emissions limits in the existing SIP as tested with existing SIP test methods.

Upon consideration of Great Lakes' comments and further review of Michigan's rules, USEPA concurs with Great Lakes' comments. Rule 336.2013 is enforcing a limit expressed in total pounds of emissions per ton of coke. Therefore, "dilution" of the test sample with clean air prior to actual pushing does not affect the calculated mass emissions rate used to determine compliance. Thus, USEPA is approving rule 336.2013 into the Michigan SIP in this rulemaking action.

A few limits in the revised rules are less stringent than the existing SIP. Quench towers are given a choice of limits in Table 31 of rule 336.1331. This table shows a limit of 1500 milligrams of total dissolved solids per liter (mg TDS/l) of quench water or 1500 mg TDS/l in the makeup water. That is, Table 31 provides that the 1500 mg TDS/l limit must be met in either the quench water or the makeup water, but need not be met both places. Rule 336.2033, which provides the test methods for enforcing this rule, suggests that the limit has to be met in the quench water but is ambiguous.

Makeup water is commonly much cleaner than quench water. Therefore, the choice of meeting the limits in the makeup water allows substantially more emissions than if the limit had to be met in the quench water. The result is a limitation which is less stringent than the process weight rate limitation in the existing SIP. USEPA disapproves rule 336.1331, Table 31, as it applies to emission limits for quench towers.

Michigan's 1985 submittal deletes limits for three source types subject to the State's 1980 rules. Two of these three deleted limits, specifically the limits for open hearth furnaces and for heating and reheating furnaces, were not approved as part of the existing SIP. Thus, approval of deleting these State limits clearly would not make the existing SIP any less stringent. However, the deletion of the limit for coke oven coal preheater equipment constitutes a relaxation. A specific emissions limitation for this type of facility was conditionally approved as part of the existing SIP. Thus, USEPA is disapproving the deletion of the limit for coke oven coal preheater equipment.

Table 31 of rule 336.1331 provides mass emissions limits for new sinter plants. These limits will generally be

superfluous, since new source review requirements will generally impose stricter limits. Nevertheless, since these limits make the SIP more stringent, and since these limits do not conflict with other requirements, USEPA approves these limits.

USEPA also compared the revised test methods against the prior test methods. Methods 5A, 5B, and 5C, now incorporated in rules 336.2010 through 336.2012, were also included in the existing SIPs and had essentially identical provisions. Methods 5D, 5E and 208C, incorporated respectively in rule 336.2013, rule 336.2014, and rule 336.2033, are new rules with new provisions.

Methods 5A, 5B, and 5C as found in the existing SIP contain a variety of provisions for State discretionary alternatives. Some of the alternatives authorized are questionable and make the test methods less effective. However, Michigan's 1985 submittal does not add any new provisions for such State discretion. Thus, these methods are not less stringent than the existing SIP and are therefore approvable.

Method 5D (rule 336.2013) provides a variety of specific instructions for testing emissions at each of several steelmaking operations. These instructions assure that the testing periods conform to the periods of actual emissions and that the testing effectively evaluates emissions from the affected facilities. The rule serves to authorize filter temperatures similar to the existing SIP. This rule clarifies test procedures for these operations and averts tests that reflect inappropriate combinations of emitting and non-emitting periods. After reviewing the comments, USEPA concurs with Great Lakes Steel that inclusion of time prior to actual pushing does not reduce the stringency of the pushing limit. Overall, this rule adds to the stringency of the existing SIP. Thus, USEPA approves rule 336.2013 in this rulemaking action.

Method 5E (rule 336.2014) describes a procedure for determining emissions from positive pressure fabric filters. This rule authorizes Michigan to approve various alternatives at its discretion. However, these provisions of State discretion are the same provisions present in the existing SIP. Consequently, Method 5E does not result in a relaxation of the SIP. Thus, USEPA approves rule 336.2014 in this rulemaking action.

In summary, USEPA is approving most of rule 336.1331 and its associated testing rules. USEPA is disapproving the limit for coke oven quench towers (item C.8 of Table 31) and the deletion of the

limit for coke oven coal preheater equipment, because these are relaxations of existing limits. For the rest of rule 336.1331, USEPA approves the numerical emissions limits which, in combination with the appropriate testing methods, are at least as stringent as the existing SIP. Thus, USEPA is also approving rule 336.2004, rules 336.2010 through 336.2014, rule 336.2021, and rule 336.2033 because they provide the necessary test methods to measure the limits approved in rule 336.1331.

#### *E. Rules 336.1350 Through 336.1367—Visible Emissions Limits*

Rules 336.1350 through 336.1367 provide visible emissions limits for a variety of iron and steel facilities. The first eight of these rules concern coke oven emissions points. Rule 336.1350 limits the duration of visible emissions from larry-car charging of coke ovens to 100 seconds per four charges. Rule 336.1351 prohibits emissions from more than 4% of charging holes. Rule 336.1352 limits visible emissions from pushing and from travel of the coke-receiving car to 25% opacity, except that 1 in 8 pushes and 1 in 8 trips of the coke-receiving car may exceed that limit. Rule 336.1353 prohibits visible emissions during coking from more than 4% of the emission points in standpipe assemblies. Rule 336.1354 requires that standpipe lids be closed during decarbonization on ovens more than three ovens ahead of the oven being pushed. Rule 336.1355 generally prohibits visible emissions from the gas collector main. Rule 336.1356 provides that for coke oven doors of 5 meters or less, visible emissions are limited to 10% of the pushside doors, cokeside doors, or leveling doors. Rule 336.1357 provides that for coke oven doors of more than 5 meters, visible emissions are not permitted from more than 12% of the pushside doors or cokeside doors or 10% of the leveling doors.

Rules 336.1358 through 336.1367 provide opacity limits at other iron and steel making facilities. The rules subject facilities, and opacity limits are:

Percent	
20	Rule 336.1358—Roof monitors for electric arc furnaces and blast furnaces.....
25	Rule 336.1359—Scarfer operation stacks.....
20	Rule 336.1360—Coke oven push stacks.....
10	Rule 336.1361—Blast furnace casthouses.....
10	Rule 336.1362—Electric arc furnace stacks.....
10	Rule 336.1363—Argon-oxygen decarburization stacks.....
10	Rule 336.1364—Basic oxygen furnaces.....
20	Rule 336.1365—Hot metal transfer.....
20	Rule 336.1366—Hot metal desulphurization.....
20	Rule 336.1367—Sintering.....

The test methods used in enforcing rules 336.1350 to 336.1367 are provided in rule 336.2004(1)(h) and rules 336.2030 through 336.2032. Rule 336.2004(1)(h) is Method 9, with no authorization for Commission-approved alternatives. Rule 336.2030 provides Method 9A, which states that opacity measurements at scarfer operations shall reflect an average of six observations (90 second averaging). Rule 336.2031 provides Method 9B, which specifies procedures for reading opacity at coke ovens for charging, door leaks, charging port leaks, standpipe leaks, and pushing. Rule 336.2032 provides Method 9C, which specifies 12 observations (3 minute averaging) for opacity measurements at basic oxygen furnaces, hot metal transfer, and hot metal desulphurization.

In its February 1989 rulemaking, USEPA proposed to approve rule 336.1350, rule 336.1351, rules 336.1353 through rule 336.1357, and the associated test methods described in rules 336.2030 and 336.2032. USEPA also proposed to approve rule 336.1349 which provided compliance dates. USEPA proposed to disapprove rule 336.1352 in combination with rule 336.2031. Rule 336.1352 prescribed the visible emission limit while rule 336.2031 prescribed the test method to measure such limit.

*Comments*—USEPA proposed to disapprove rules 336.1352 and 336.2031 because the limit and the test method did not clarify whether opacity observations for pushing include observations during travel i.e., transit of the coke receiving car toward the quench tower. MDNR and Great Lakes commented that these rules have adequate clarity and urged their approval.

*Final Evaluation*—USEPA reviewed rules 336.1352 and 336.2031 again for clarity. Within rule 336.2031, section (e)(v) provides the method for evaluating "fugitive visible emissions during the pushing of coke into the coke receiving car," and section (e)(vi) provides the method for evaluating "fugitive visible emissions during transit of the coke." Rule 336.2031(e)(v)(B) explicitly states: "[T]he reading shall commence when the coke begins to fall into the coke receiving car and shall end with the sixth reading." Given the typical duration of pushing, the sixth reading and perhaps the fifth and fourth readings will commonly occur during travel of the coke car, i.e., the explicit language of the rule for "pushing" commonly provides for a few readings during transit of the coke car as well as during actual pushing.

Michigan has opacity limits for travel that are separate from, but equal to, the opacity limits for pushing. A question may be raised whether some opacity observations are to be used for both activities. Section (e)(vi)(A) of rule 336.2031 states that opacity measurements for travel "shall be based on as many consecutive readings as are possible during transit." Section (e)(vi)(B) limits relevant readings to those "after the car leaves the hood until the car enters the quench tower." Collectively, these sections indicate that readings during compliance evaluation for travel could include readings during compliance evaluation for pushing. Accordingly, USEPA finds these provisions to be sufficiently clear as they relate to both rules, 336.1352 and 336.2031.

Thus, USEPA is approving rule 336.2031 and rule 336.1352 (both as submitted in May 1985) in today's rulemaking action.

The technical support document describes a concern with rule 336.1153. In particular, this rule appears less stringent than the rule in the SIP because of an ambiguous limit that is expressed as a percentage of emissions points rather than as an absolute number of emissions points. However, this ambiguity is also present in the existing SIP. Thus, rule 336.1153 is not less stringent than the existing SIP.

For rule 336.1355, which regulates coke oven gas collector mains, USEPA is concerned about the addition of exemptions relative to the existing SIP. Of particular concern is the unlimited authorization of emissions from emergency relief valves. Although limited emissions from these valves are acceptable, similar to the limited emissions which are tolerated from malfunctions, Rule 336.1355 would allow these emissions to be unlimited. Therefore, USEPA is disapproving rule 336.1355 in today's rulemaking action.

After comparing their provisions to the existing SIP, USEPA finds that Rules 336.1349 through 336.1354, rules 336.1356 through 336.1367, and rules 336.2030 through 336.2032 provide acceptable emissions limits, represent limits that are as stringent or more stringent than Michigan's prior limits, and do not allow the State less stringent alternative test methods or alternative limits. For these reasons, USEPA is approving these rules in today's rulemaking.

#### IV. Summary of USEPA's Final Rulemaking Action

Based upon the comments received, and USEPA's final evaluation of Michigan's 1985 submittal, USEPA is disapproving the following rules: (1) The

quench tower limit in rule 336.1331, Table 31, section C.8, because allowing water quality limits to apply only to makeup water yields a relaxation; (2) the deletion of the limit in rule 336.1331 for coke oven coal preheater equipment, because it represents a relaxation, and (3) rule 336.1355, because it provides an unlimited exemption for emissions from emergency relief valves in coke oven gas collector mains.

The USEPA is approving all the other rules included in the State's May 17, 1985, submittal, as identified below:

336.1101 336.1103 336.1106 336.1116 336.1119  
336.1122 336.1301 336.1303 336.1320 336.1330  
336.1331<sup>1</sup> 336.1349 336.1350 336.1351 336.1352  
336.1353 336.1354 336.1356 336.1357 336.1358  
336.1359 336.1360 336.1361 336.1362 336.1363  
336.1364 336.1365 336.1366 336.1367 336.2004  
336.2010 336.2011 336.2012 336.2013 336.2014  
336.2021 336.2030 336.2031 336.2032 336.2033

The final approval of these rules also means that USEPA is lifting the conditions on the proposed approval of Michigan's Part D SIP for particulate matter (46 FR 27923).

#### V. Administrative Requirements

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table Two action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). The Office of Management and Budget also has exempted this action from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 10, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

Under 5 U.S.C. 605(b), the Administrator has certified that the disapproval in this action will not have

a significant economic impact on small entities because it imposes no new requirements on any entity.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Ambient standard, Environmental protection, Incorporation by Reference, Intergovernmental relations, Iron and steel, Particulate matter.

Note: Incorporation by reference of the State Implementation Plan for State of Michigan was approved by the Director of the Federal Register on July 1, 1982.

Note: This document was received at the Office of the Federal Register on June 8, 1992.

Dated: December 31, 1991.  
Valdas V. Adamkus,  
Regional Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows.

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

#### Subpart X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(91) to read as follows:

##### § 52.1170 Identification of plan.

(c) \* \* \*

(91) On May 17, 1985, the State submitted revised rules for the control of particulate matter from iron and steel sources and from other sources in Michigan. These rules were submitted to fulfill conditions of USEPA's May 22, 1981, approval (46 FR 27923) of the State's part D total suspended particulates (TSP) State Implementation Plan (SIP). USEPA is approving these revised rules in the Michigan submittal except for the following provisions: The quench tower limit in rule 336.1331, Table 31, Section C.8, because allowing water quality limits to apply only to makeup water is a relaxation; the deletion of the limit in rule 336.1331 for coke oven coal preheater equipment, because it is a relaxation, and rule 336.1355, because it provides an unlimited exemption for emissions from emergency relief valves in coke oven gas collector mains.

(i) Incorporation by reference.

(A) Revision to parts 1, 3, and 10 of Michigan's administrative rules for air pollution control (Act 348 of 1967, as amended) as adopted by the Michigan Air Pollution Control Commission on

<sup>1</sup> Except for those items identified in the previous paragraph as being disapproved.

December 18, 1984. These rules became effective in Michigan on February 22, 1985.

[FR Doc. 92-13798 Filed 6-10-92; 8:45 am]  
BILLING CODE 6560-50-M

#### 40 CFR Part 272

[FRL-4141-8]

#### **Idaho; Final Authorization of State Hazardous Waste Management Program Revisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** The State of Idaho has applied for final authorization of its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Idaho's application and has made a decision, subject to public review and comment, that Idaho's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Idaho's hazardous waste program revision. Idaho's application for program revision is available for public review and comment.

**DATES:** Final authorization for Idaho's program revision shall be effective August 10, 1992 unless EPA publishes a prior *Federal Register* action withdrawing this immediate final rule. The incorporation by reference of certain publications listed in the regulations are approved by the Director of the *Federal Register* as of August 10, 1992. All comments on Idaho's program revision application must be received by the close of business July 13, 1992.

**ADDRESSES:** Copies of Idaho's program revision application are available Monday through Friday, 8 a.m. to 5 p.m. at the following locations for inspection and copying: Idaho Department of Health and Welfare, Division of Environmental Quality, Planning and Evaluation Division, 1410 N. Hilton, Boise, Idaho 83706, phone, (208) 334-5879 and the U.S. EPA, Region 10, Library, 1200 6th Avenue, Seattle, WA, 98101, phone, (206) 553-1289. Written comments should be sent to Nina Kocourek, U.S. EPA, Region 10, 1200 Sixth Avenue, Mail Stop HW-107, Seattle, WA 98101; phone, (206) 553-6502.

**FOR FURTHER INFORMATION CONTACT:** Nina Kocourek, U.S. EPA, Region 10, 1200 Sixth Avenue, Mail Stop HW-107, Seattle, WA 98101.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allow States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to the State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

##### **B. Idaho**

Effective on April 9, 1990, Idaho received final authorization for the base, non-HSWA and HSWA requirements promulgated as of July 1, 1987 and interim authorization for those HSWA corrective action provisions of Section 3004(u), promulgated as of July 7, 1987 (see 55 FR 11015 dated March 28, 1990). Effective on June 5, 1992, Idaho received final authorization for those HSWA corrective action provisions of Section 3004(u) promulgated as of July 7, 1987 (see 57 FR 11580 dated April 6, 1992). On March 10, 1992, Idaho submitted its program revision application for those HSWA and non-HSWA federal provisions promulgated during the period July 1, 1990. Today, Idaho is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Idaho's application, and has made an immediate final decision that Idaho's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Idaho. The public may submit written comments on EPA's immediate final decision up until July 13, 1992. Copies of Idaho's application for this program

revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Idaho's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If a relevant adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Idaho's revision application includes all those HSWA and non-HSWA federal provisions promulgated during the period July 1, 1987 to July 1, 1990. To insure state consistency with federal regulations, the Idaho Board of Health and Welfare's regulatory rule-making incorporated by reference those delegable Federal Regulations in 40 CFR parts 124, 260-266, 268, and 270 that were promulgated and codified in the Code of Federal Register, as of July 1, 1990. Thus, at this time, the State is not seeking authorization for any changes made to the Federal program after July 1, 1990. Therefore, the scope, structure, coverage and processes of the Idaho hazardous waste management program is virtually identical to the federal provisions through July 1, 1990.

The more substantive changes included in this revision application are: the Toxicity Characteristic Leaching Procedures (TCLP) Rule, Mining Waste Rule, Land Disposal Restriction (LDR) Rule, Permit Modification Rule and Subpart X Rule. These regulatory changes were advertised through statewide media prior State law adoption. The regulatory changes in this program revision became State regulations effective on March 6, 1991.

As part of the requirements for a State to have an authorized hazardous waste program, a State must meet the RCRA section 3006(f) availability of information requirements in "substantially the same manner, and to the same degree" as EPA. Included as part of Idaho's initial base authorization approval EPA determined that the State of Idaho's hazardous waste public availability information regulation (IDAPA 16.01.5750) was equivalent to RCRA section 3006(f). On July 1, 1990 the State of Idaho Public Records Act (House Bill 860) and repealed IDAPA 16.01.5750. EPA has determined that the Idaho Public Records Act (Idaho Code Sections 9-337 *et seq.*) meets the requirements of RCRA Section 3006(f). Pursuant the Idaho Public Records Act the Idaho Department of Health and Welfare, Legal Services Division, has

developed and published the "Guidelines for Public Records" adopted December 31, 1990 revised March 7, 1991, specifying the public record procedures and fees for the Department.

This program revision will not authorize the State to operate the RCRA program over any Indian lands; this authority remains with EPA.

#### C. Decision

I conclude that Idaho's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Idaho is granted final authorization to operate its hazardous waste program as revised.

Idaho now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Idaho also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

#### D. Codification in Part 272

EPA uses part 272 for codification of the decision to authorize Idaho's program and for incorporation by reference of those provisions of Idaho's statutes and regulations that EPA will enforce under section 3008 of RCRA. Therefore, EPA is amending § 272.651.

#### Compliance with Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

#### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Idaho's program, thereby eliminating duplicate requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### List of Subjects in 40 CFR Part 272

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste,

Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 1, 1992.

Dana A. Rasmussen,  
Regional Administrator.

For reasons set forth in the preamble, 40 CFR part 272 is amended as follows:

#### PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

1. The authority for part 272 continues to read as follows:

**Authority:** Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

#### Subpart N—Idaho

2. Section 272.650 is amended by revising paragraphs (a) and (b) to read as follows:

##### § 272.650 State authorization.

(a) The State of Idaho is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6921 et seq., subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA). (Pub. L. 98-616, Nov. 8, 1984), 42 U.S.C. 6926 (c) and (g)). The Federal program for which a State may receive authorization is defined in 40 CFR part 271. The State's program as administered by the Idaho Department of Health and Welfare, was approved by EPA pursuant to 42 U.S.C. 6926 (b) and (g) and part 271 of this chapter. EPA's initial approval of Idaho's program for the base, HSWA and non-HSWA provisions promulgated as of July 1, 1987, was effective on April 9, 1990 (see 55 FR 11015 dated March 26, 1990). EPA's approval of Idaho's corrective action program for those provisions promulgated as of July 1, 1987 was effective on June 5, 1992 (see 57 FR 11580 dated April 6, 1992).

(b) Idaho is not authorized to implement any other HSWA requirements promulgated after June 30, 1990, in lieu of EPA unless EPA has explicitly indicated its intent to allow such action in a Federal Register notice granting Idaho authorization.

3. Section 272.651 is revised to read as follows:

##### § 272.651 State-administered program: Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b); Idaho has final authorization for the following elements submitted to EPA in Idaho's program application for final authorization and approved by EPA effective on April 9, 1990; revision application for final authorization of the corrective action provisions approved by EPA effective on June 5, 1992; and revision application for final authorization and approval by EPA effective on August 10, 1992.

###### (a) State Statutes and Regulations.

(1) The requirements in the Idaho statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 et seq. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Michie Company, Law Publishers, 1 Town Hall Square, Charlottesville, Virginia 22906-7587. Copies may only be inspected at the U.S. EPA, Office of Solid Waste, The RCRA Docket, room 2427, 401 M Street SW., Washington DC; The Office of Federal Register, 1100 "L" Street NW., room 8401, Washington, DC; U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA; and at the Idaho Department of Health and Welfare, Administrative Procedures Section, 1410 N. Hilton, Boise, ID.

(i) Statutory authority is vested in the State of Idaho, Board of Health and Welfare, by the Hazardous Waste Management Act of 1983 (HWMA). This includes the following statutes as contained in Chapter 44 "Hazardous Waste Management", section 39 of the Idaho Code (I.C.), General Laws of Idaho Annotated, Volume 7A, published in 1985 by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4406; 39-4407; 39-4412; 39-4418; 39-4421; and 39-4429 as contained in the 1991 Cumulative Pocket Supplement, Idaho Code, Volume 7A republished in September 1991; by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4403; 39-4404; 39-4405; 39-4408; 39-4409; 39-4410(3); 39-4411 [effective until July 1, 1993]; 39-4411 [effective July 1, 1993]; 39-4423; 39-4424; and 39-4429.

(ii) The following are the Idaho Department of Health and Welfare Rules and Regulations, as contained in title 1, chapter 5, "Rules, Regulations

and Standards for Hazardous Waste" (hereinafter referred to as the "IDHW Regulations"), in effect as of March 6, 1991, are part of the approved program under RCRA: IDHW Regulations. Sections: 16.01.5000; 16.01.5001; 16.01.5002; 16.01.5003; 16.01.5004; 16.01.5005; 16.01.5006; 16.01.5007; 16.01.5008; 16.01.5009; 16.01.5010; 16.01.5011; 16.01.5012; 16.01.5013; 16.01.5356; and appendix A.

(2) The following statutes are not incorporated herein for enforcement purposes although are part of the authorized state program. These statutes are as contained in chapter 44 "Hazardous Waste Management", section 39 of the Idaho Code (I.C.), General Laws of Idaho Annotated, Volume 7A, published in 1985 by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4413 ("Enforcement Procedures"), I.C. 39-4414 ("Remedies") and I.C. 39-4415 ("Violations Constituting Misdemeanors"); and as contained in the 1991 Cumulative Pocket Supplement Idaho Code, Volume 7A republished in September 1991; by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4413 ("Enforcement procedures"). The additional statutes are also not incorporated herein for enforcement purposes, although are part of the authorized state program. These statutes are as contained in Chapter 3 "Public Writings", Section 9 of the Idaho Code (I.C.), General Laws of Idaho Annotated, Volume 2, published in 1990 by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 9-337 *et seq.*; and as contained in the 1991 Pocket Supplement Idaho Code (I.C.), Volume 2, published in 1991; by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 9-337 *et seq.*

(3) The following statutes and regulations concerning routing of hazardous waste shipment are "broader in scope" than the Federal program, and are not incorporated herein for enforcement purposes and are not part of the authorized program, but remain part of the State hazardous waste program requirements. The statutes are as contained in chapter 44 "Hazardous Waste Management", Section 39 of the Idaho Code (I.C.), General Laws of Idaho Annotated, Volume 7A, published in 1985 by the Michie Company, Law Publishers, Charlottesville, Virginia: I.C. 39-4410 (1), (2), (4), (5), and (6); and as contained in the 1991 Cumulative Pocket Supplement, Volume 7A, republished September 1991; by the Michie Company, Law Publishers,

Charlottesville, Virginia: I.C. 39-4410 (1), (2), (4), and (5); and the regulations as contained in title 1, chapter 5, "Rules, Regulations and Standards for Hazardous Waste", in effect as of March 6, 1991, hereinafter referred to as "IDHW Regulations" are: IDHW Regulations section 16.01.5500, 01 and 02.

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 10 and Idaho Department of Health and Welfare signed by the EPA Regional Administrator on March 25, 1992, is part of the authorized hazardous waste management program under Subtitle C of RCRA 42 U.S.C. 6921 *et seq.*

(c) *Statement of legal authority.* The Idaho Attorney General's Statement for Final Authorization for the Federal RCRA Program through June 30, 1987, signed by the Attorney General of Idaho on July 5, 1988; letter amending and supplementing the July 5, 1988 Attorney General Statement, signed by the Attorney General of Idaho on July 3, 1989; and Idaho's Revised Attorney General's Statement for Final Authorization for changes to the Federal RCRA Program from July 1, 1987 through June 30, 1990, signed by the Attorney General of Idaho on February 13, 1992, are part of the authorized hazardous waste management program under Subtitle C of RCRA 42 U.S.C. 6921 *et seq.*

(d) *Program description.* Program descriptions dated July 1988, and revised November 1991 and any other materials submitted as part of the original application or as supplements thereto are part of the authorized hazardous waste management program under Subtitle C of RCRA 42 U.S.C. 6921 *et seq.*

[FR Doc. 92-13773 Filed 6-10-92; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 281

[FRL-4142-7]

#### Maine; Final Approval of State Underground Storage Tank Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final determination on Maine's application for final approval.

**SUMMARY:** The State of Maine has applied for final approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Maine's

application and has reached a final determination that Maine's underground storage tank program satisfies all the requirements necessary to qualify for final approval. Thus, EPA is granting final approval to the State of Maine to operate its program.

**EFFECTIVE DATE:** Final approval for Maine shall be effective at 1 p.m. on July 13, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Rhona Julien, Office of Underground Storage Tanks, HPU-7, U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203, 617/573-9655.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 9004 of RCRA enables EPA to approve state underground storage tank programs to operate in a state in lieu of the Federal underground storage tank program. To qualify for final authorization, a state's program must: (1) Be "no less stringent" than the Federal program, and (2) provide for adequate enforcement section 9004(a) of RCRA, 42 U.S.C. 6991c(a).

On August 1, 1991, EPA acknowledged receiving from the State of Maine a complete official application to obtain final approval to administer its underground storage tank program. On February 24, 1992, EPA published a tentative decision announcing its intent to grant Maine final approval of its program. Further background on the tentative decision to grant approval appears at 57 FR 6302, February 24, 1992.

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. EPA requested advance notice for testimony and reserved the right to cancel for lack of public interest. Since there was no public request, the public hearing was canceled. No public comments were received regarding EPA's approval of Maine's underground storage tank program.

##### B. Decision

I conclude that the State of Maine's application for final approval meets all of the statutory and regulatory requirements established by subtitle I of RCRA. Accordingly, Maine is granted final approval to operate its underground storage tank program. The State of Maine now has the responsibility for managing all regulated underground storage tank facilities within its borders and carrying out all aspects of the Federal underground storage tank program except with regard

to Indian lands where EPA will have regulatory authority. Maine also has primary enforcement responsibility, although EPA retains the right to conduct enforcement actions under section 9006 of RCRA, 42 U.S.C. 6991e.

#### Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

#### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the approval will not have a significant economic impact on a substantial number of small entities. This approval effectively suspends the applicability of certain federal regulations in favor of the State of Maine's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks within the State. It does not impose any new burdens on small entities. This rule, therefore, does not require flexibility analysis.

#### List of Subjects in 40 CFR Part 281

Administrative practice and procedure, Hazardous substances, Insurance, Intergovernmental relations, Oil pollution, Reporting and recordkeeping requirements, Surety bonds, Water pollution control, Water supply.

Authority: Section 9004 of the Solid Waste Disposal Act as amended (SWDA), 42 U.S.C. 6991c, section 2002(a) of SWDA, 42 U.S.C. 6912(a) and section 7004(b) of SWDA, 42 U.S.C. 6974(b).

Dated: June 4, 1992.

Julie Belaga,

Regional Administrator.

[FR Doc. 92-13775 Filed 6-10-92; 8:45 am]

BILLING CODE 6560-50-M

#### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 101-38

[FPMR Amendment G-97]

#### U.S. Government License Plates

AGENCY: Federal Supply Service, GSA.  
ACTION: Final rule.

**SUMMARY:** This regulation adds the license plate code DECA for the Defense Commissary Agency and changes the designation of the Veterans Administration to the Department of Veterans Affairs. These actions are required because of the establishment of the Defense Commissary Agency under

the Department of Defense and the establishment of the Department of Veterans Affairs as an executive department. This amendment will allow the Defense Commissary Agency to procure motor vehicle license plates showing the code designation DECA. The code designation for the Department of Veterans Affairs will be VA, the same code that was assigned to the Veterans Administration.

**EFFECTIVE DATE:** June 11, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Michael W. Moses, Sr., Fleet Management Division (FBF), (commercial) 703 305-6273, (FTS) 365-8273.

**SUPPLEMENTARY INFORMATION:** The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

On October 1, 1991, the Department of Defense reorganized the U.S. Army, Navy, Marine Corps, and Air Force commissary systems into the Defense Commissary Agency (DeCA).

Federal Property Management Regulations (FPMR) 101-38.202-4 provides letter codes for official U.S. Government tags. These letter codes designate the agency having accountability for the motor vehicle. FPMR 101-38.202-5 provides for the issuance of additional codes by the General Services Administration upon written request by an executive agency. On October 31, 1991, the Federal Supply Service, GSA, received a request from the Defense Commissary Agency to issue a letter code designation of "DECA". This request was endorsed by the Office of the Assistant Secretary of Defense for Transportation Policy.

#### List of Subjects in 41 CFR Part 101-38

Government property management, Motor vehicles.

For the reasons set forth in the preamble, 41 CFR part 101-38 is amended as follows:

#### PART 101-38—MOTOR EQUIPMENT MANAGEMENT

1. The authority citation for part 101-38 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 [40 U.S.C. 486(c)].

#### Subpart 101-38.2—Registration, Identification, and Exemptions

2. Section 101-38.202-4 is revised to read as follows:

#### § 101-38.202-4 Numbering and coding.

Official U.S. Government tags, except tags issued by the District of Columbia, Department of Transportation under § 101-38.203-1, shall be numbered serially for each executive agency, beginning with 101, and shall be preceded by a letter code designating the agency having accountability for the motor vehicle as follows:

ACTION	ACT
Agriculture, Department of	A
Air Force, Department of	AF
Army, Department of the	W
Commerce, Department of	C
Consumer Product Safety Commission	CPSC
Corps of Engineers, Civil Works	CE
Defense Commissary Agency	DECA
Defense Contract Audit Agency	DA
Defense, Department of	D
Defense Logistics Agency	DLA
District of Columbia Redevelopment Land Agency	LA
Education, Department of	ED
Energy, Department of	E
Environmental Protection Agency	EPA
Executive Office of the President	EO
Council of Economic Advisors	
National Security Council	
Office of Management and Budget	
Export-Import Bank of the United States	EB
Federal Communications Commission	FC
Federal Deposit Insurance Corporation	FD
Federal Emergency Management Agency	FE
Federal Home Loan Bank Board	FB
Federal Mediation and Conciliation Service	FM
Federal Reserve System	FR
Federal Trade Commission	FT
General Accounting Office	GA
General Services Administration	GS
Government Printing Office	GP
Health and Human Services, Department of	HHS
Housing and Urban Development, Department of	H
Interagency Fleet Management System, GSA	C
Interior, Department of the	I
Interstate Commerce Commission	IC
Judicial Branch of the Government	JB
Justice, Department of	J
Labor, Department of	L

Legislative Branch.....	LB
National Aeronautics and Space Administration.....	NA
National Capital Housing Authority.....	NH
National Capital Planning Commission.....	NP
National Guard Bureau.....	NG
National Labor Relations Board.....	NL
National Science Foundation.....	NS
Navy, Department of the.....	N
Nuclear Regulatory Commission.....	NRC
Office of Personnel Management.....	OPM
Panama Canal Commission.....	PC
Railroad Retirement Board.....	RR
Renegotiation Board.....	RB
Securities and Exchange Commission ..	SE
Selective Service System .....	SS
Small Business Administration.....	SB
Smithsonian Institution.....	SI
National Gallery of Art	
Soldiers' and Airmen's Home, U.S.....	SH
State, Department of .....	S
Tennessee Valley Authority.....	TV
Transportation, Department of .....	DOT
Treasury, Department of the .....	T
United States Information Agency.....	IA
United States Postal Service .....	P
Department of Veterans Affairs .....	VA

Note: This document was received at the Office of the Federal Register on June 8, 1992.

Dated: March 12, 1992.

Richard G. Austin,  
Administrator of General Services.

[FR Doc. 92-13748 Filed 6-10-92; 8:45 am]

BILLING CODE 6820-24-M

#### 41 CFR Part 101-38

[FPMR Amendment G-96]

#### Transportation and Motor Vehicles

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

**SUMMARY:** This regulation amends the Federal Property Management Regulations to prescribe the use of revised Standard Form (SF) 97. The United States Government Certificate to Obtain Title to a Vehicle and to reflect the canceling of SF 97A, Agency Record Copy of The United States Government Certificate of Release of a Motor Vehicle. The revised form will provide a standardized document to be used by most Federal activities when transferring title to Government-owned motor vehicles and will amend the odometer mileage disclosure statement on the SF 97 to comply with 49 CFR part 580.

**EFFECTIVE DATE:** June 11, 1992.

**FOR FURTHER INFORMATION CONTACT:**  
Michael W. Moses, Sr., Fleet  
Management Division, commercial 703-305-6273 or FTS 365-6273.

**SUPPLEMENTARY INFORMATION:** The General Services Administration has

determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the lease net cost to society.

The National Highway Traffic Safety Administration (NHTSA) amended 49 CFR part 580, Odometer Disclosure Requirements, on August 5, 1988, to implement the Truth in Mileage Act of 1986, Public Law 99-579. The act requires that the seller or transferor make a specific, written disclosure as to the mileage of a motor vehicle upon transfer of ownership. The act also requires that the title document be manufactured by a secure process to deter counterfeiting or alterations. On August 30, 1989, NHTSA amended 49 CFR part 580 again to clarify responsibilities of all parties in conjunction with the disclosure of odometer mileage information and to define certain aspects of the regulation. As a result of these changes, the odometer disclosure statement on the current version of the SF 97 (dated 7/79) is being revised to comply with the new requirements set forth in 49 CFR part 580.

The American Association of Motor Vehicle Administrators (AAMVA) has requested that GSA address problems encountered by individual States involving titling of motor vehicles from Federal Government activities. Specific AAMVA recommendations included (1) the SF 97 be the only document used by the Federal Government to transfer ownership; (2) the form be printed on secure paper; and (3) the revised odometer statement be included on the form.

After coordination with representatives from NHTSA and AAMVA, the form has been re-titled to read: "The United States Government Certificate to Obtain Title to a Vehicle." The form will be printed on 4-part continuous feed paper with a tear-off margin. The form will be produced by means of a secure printing process, such as intaglio steel plate printing. The form will be serially numbered with pre-printed numbers and will be stocked as an accountable form. The form will be

requisitioned, stocked, and issued by the using activity's accountable officer. The form is redesigned to omit unneeded information, to reformat information blocks, and to include the revised odometer disclosure statement required by NHTSA.

The SF 97A, Agency Record Copy of The United States Government Certificate of Release of a Motor Vehicle, is canceled. Copies 2, 3, and 4 of the revised SF 97 will replace the SF 97A.

The General Services Administration published a notice in the *Federal Register* on August 2, 1990 (55 FR 31442) indicating our intent to revise the form and to solicit comments from all interested parties. As a result of this notice, GSA received five comments.

One comment from a private citizen stated that "The United States of America" should be used throughout the text and form instead of "The United States Government." This suggestion was rejected based upon the need to reflect an administration or system establishing policy for governing the country rather than the country itself. The remaining comments were submitted by Federal agencies. One of the comments questioned what would be entered as the odometer reading if the actual mileage is in excess of the mechanical limits of the odometer. In that instance, the actual mileage showing on the odometer would be entered in the odometer reading block on the form and the statement "I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits" would be checked to indicate that the odometer has reached its limit and started over at "0" again. Another comment questioned the practice of printing the transferor's and transferee's name rather than typing each name. The act of actually printing these names and not typing them is required by NHTSA to allow additional means of identification of individuals signing this form.

Another comment stated that an assumption is made that the transferor would actually be the Federal activity owning the vehicle. In this instance, the suggestor states that it would be more appropriate to entitle the block in question "Transferor's Agent Signature" or "Transferor's Representative Signature" rather than "Transferor's Signature." The terms "agent" or "representative" connote an individual with a contract or agreement with the Government acting for the Government; and thus, such individual could be held personally liable for an act. Contrarily,

the "transferor" would be acting on behalf of the Government by virtue of his or her position or title. We believe that it would be in the best interest of the transferor, the transferee, and the Government to leave the block titles as they are. The last comment stated that the phrase "warning, odometer discrepancy" which follows the statement "I hereby certify that the odometer reading is not the actual mileage" should be in upper case and in bold type. The form was modified to reflect this change.

During October 1990, representatives from GSA's Fleet Management Division met with AAMVA representatives to discuss the final configuration of the form. Comments generated by the *Federal Register* notice were reviewed along with additional concerns of AAMVA's subcommittee on Federal and State titling problems. The AAMVA representatives requested that the form not be used for vehicles which are not legal for operation on highways or for vehicles that are designed specifically for other than highway use. GSA agreed that the form should only be used when Government-owned motor vehicles are sold to parties who intend to title the vehicle for operation on highways. Other vehicles and equipment not intended to be titled by State activities will be sold by the Federal Government using an appropriate bill of sale or award document, such as Optional Form 16, Sales Slip-Sale of Government Personal Property, or SF 114, Sale of Government Property-Bid and Award. GSA also endorsed the AAMVA suggestion that the title of the transferor be included on the form.

The use of the SF 97 will be mandatory for all executive agencies of the Federal Government, independent Federal establishments, and Government corporations. Additionally,

the U.S. Postal Service has indicated that the SF 97 will be used exclusively when disposing of Postal Service motor vehicles which will be titled by a State motor vehicle administration.

#### List of Subjects in 41 CFR Part 101-38

Government property management, Motor vehicles.

For the reasons set forth in the preamble, 41 CFR part 101-38 is amended as follows:

#### PART 101-38—MOTOR EQUIPMENT MANAGEMENT

1. The authority citation for part 101-38 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

2. Section 101-38.701 is revised to read as follows:

##### § 101-38.701 Transfer of title for Government-owned motor vehicles.

(a) When disposing of a Government-owned vehicle, all executive agencies shall comply with the provisions listed below for transfer of ownership:

(1) All Government-owned motor vehicles to be titled by State motor vehicle activities shall be transferred by executing Standard Form (SF) 97, The United States Government Certificate to Obtain Title to a Vehicle. The use of this form in foreign countries is optional.

(2) SF 97 will be used only when motor vehicles owned by the Government are sold to parties who intend to title the vehicle for operation on highways. Vehicles that are either not designed to operate on highways or are deemed as not legal for operation on highways will be conveyed using an appropriate bill of sale or award document, such as Optional Form 16, Sales Slip-Sale of Government Personal Property, or SF 114, Sale of Government Property-Bid and Award. Vehicles

commonly included in this category include construction equipment, farm machinery, and certain military design vehicles.

(3) All SF 97 certificates and copies shall be stocked as an accountable form and serially numbered with pre-printed numbers assigned by the printing activity. Each agency shall have an accountable officer who will be responsible for the requisition, storage, and issuance of SF 97. Certificates showing erasures or strikeovers may be considered invalid by State motor vehicle agencies and may not be honored. Proper precautions shall be exercised by agencies to prevent blank copies of SF 97 from being obtained by unauthorized persons.

(4) Standard Form 97 is a 4-part set printed on continuous feed paper. The original certificate is produced on secure paper to readily identify any attempt to alter the form. Upon completion, the original SF 97 shall be furnished to the purchaser or donee. One copy of SF 97 shall be furnished to the owning agency. Another copy of the SF 97 shall be furnished to the contracting officer of the agency effecting the sale or transfer of the motor vehicle. The disposition of the fourth copy shall be assigned by the owning agency.

(b) These requirements are not subject to the provisions of Public Law 96-511, Paperwork Reduction Act, and Federal Information Resources Management Regulation (FIRMR) 41 CFR 201-9.202-2, Interagency Reports Management Program. (Also see 41 CFR 101-45.303-3.)

Note: This document was received at the Office of the Federal Register on June 8, 1992.

Dated: March 12, 1992.

Richard G. Austin,

*Administrator of General Services.*

[FR Doc. 92-13750 Filed 6-10-92; 8:45 am]

BILLING CODE 6820-24-M

# Proposed Rules

This section of the **FEDERAL REGISTER** contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 30 and 35

RIN 3150-AE23

#### Departures From Manufacturer's Instructions; Elimination of Recordkeeping Requirements

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to eliminate certain recordkeeping requirements related to the preparation and use of radiopharmaceuticals. Specifically, the proposed rule would eliminate recordkeeping requirements related to the justification for and a precise description of the departure, and the number of departures from the Food and Drug Administration's (FDA) approved manufacturer's instructions. Both the NRC and the FDA staffs agree that the major trends in departures that may be identified by this recordkeeping are already discernible and collecting additional data is unnecessary.

**DATES:** Submit comments by July 13, 1992. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Mail written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m., and 4:15 p.m. on Federal workdays.

Copies of any public comments received may be examined at the NRC Public Document Room, 2120 L Street, NW, (Lower Level), Washington, DC 20555.

#### FOR FURTHER INFORMATION CONTACT:

Samuel Z. Jones, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-3738.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 15, 1989 (54 FR 38239), the NRC published in the **Federal Register** a notice of receipt of a petition for rulemaking (PRM-35-9) from the American College of Nuclear Physicians (ACNP) and the Society of Nuclear Medicine (SNM). The ACNP and SNM requested, among other things, that the NRC amend its regulations in 10 CFR part 35, "Medical Use of Byproduct Material," to recognize their appropriate practice of medicine and to allow (1) departures from the manufacturer's instructions for preparing diagnostic radiopharmaceuticals and (2) the use of radiopharmaceuticals for therapeutic indications and methods of administration not included in the FDA approved package insert.

On August 23, 1990 (55 FR 34513), the NRC published in the **Federal Register** an interim final rule granting the petition, in part, to specifically allow departures from the manufacturer's instructions for preparing diagnostic radiopharmaceuticals using generators and reagent kits for which the FDA has approved a New Drug Application (NDA). The interim final rule included a provision which terminates the rule on August 23, 1993. This action was taken after consulting with the FDA and with the intention that the provision might become permanent after further experience had been gained under the new provision, including an assessment of data documenting the departures. The NRC's original intent was to examine this documentation and make it available to the FDA and to consult with the FDA prior to any decision regarding either revision or continuation of the interim final rule or making it permanent. The NRC staff has recently consulted with the FDA staff on the documentation collected to date.

The NRC and FDA staffs have concluded that the major trends in departures are already clear and that collection of additional data would not reveal any significant new information. The NRC is, therefore, proposing to amend 10 CFR parts 30 and 35 to eliminate recordkeeping requirements

**Federal Register**

Vol. 57, No. 113

Thursday, June 11, 1992

involving the justification for and a precise description of the departure, and the number of departures from the FDA-approved manufacturer's instructions. Also, the FDA staff has no objection to eliminating these recordkeeping requirements.

#### Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed regulation is the type of action described in categorical exclusion 10 CFR 51.22 (c)(3)(ii). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

#### Paperwork Reduction Act

This proposed rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). This rule has been submitted to the Office of Management and Budget for review and approval of the paperwork requirements.

Public reporting burden for this collection of information is estimated to be reduced by .05 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, to the Information and Records Management Branch (MNBB-7714), U.S. Nuclear Regulatory Commission, Washington, DC 20555; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB-3019, (3150-0010 and 3150-0017), Office of Management and Budget, Washington, DC 20503.

#### Regulatory Analysis

In August 1990, the NRC implemented an interim final rule allowing licensees to depart from the manufacturer's instructions for preparing diagnostic radiopharmaceuticals, and to depart from the package insert instructions regarding use of radiopharmaceuticals for therapy, provided that certain conditions are met. One of the conditions is for licensees to maintain records of such departures. The NRC is now proposing to amend 10 CFR parts 30 and 35 to delete these recordkeeping requirements.

The alternative to this proposed action is to maintain the status quo. However, the NRC and FDA staffs have concluded that the major trends in departures are already clear and that collection of additional data would not reveal any significant new information. Therefore, the NRC believes that these recordkeeping requirements are no longer necessary.

The estimated reduction in annual burden would be approximately 1000 hours for NRC licensees. The NRC concludes that this proposed action is justified due to the net annual savings to NRC licensees without compromising public health and safety.

#### Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This proposed rule would affect medical use licensees including some private practice physicians. Some of these licensees would be considered small entities under the NRC's size standards (56 FR 56672; November 6, 1991). The proposed rule would eliminate recordkeeping requirements that the NRC and FDA staffs agree are no longer necessary. This would reduce the regulatory burden on all medical use licensees, including small entities.

#### Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule, and therefore, a backfit analysis is not required for this proposed rule, because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

#### List of Subjects

##### 10 CFR Part 30

Byproduct material, Criminal penalty, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

##### 10 CFR Part 35

Byproduct material, Criminal penalty, Drugs, Health facilities, Health professions, Incorporation by reference, Medical devices, Nuclear materials, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements.

For the reasons set out in the preamble under the authority of the Atomic Energy Act of 1954, as amended,

the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 30 and 35.

#### PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for part 30 continues to read as follows:

**Authority:** Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234).

Section 30.81 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 30.3, 30.10, 30.34(b), (c), (f), (g) and (i), 30.41 (a) and (c), and 30.53 are issued under secs. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 30.10 is issued under sec. 1611, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 30.6, 30.9, 30.34(g), 30.36, 30.50, 30.51, 30.52, 30.55, and 30.56 (b) and (c) are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 30.34, paragraph (i) is revised to read as follows:

##### 30.34 Terms and conditions of licenses.

(i)(1) From August 23, 1990, to August 23, 1993, each licensee eluting generators and processing radioactive material with diagnostic reagent kits for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), may depart from the manufacturer's elution and preparation instructions (for radiopharmaceuticals authorized for use pursuant to 10 CFR 35.200), provided that the licensee follows the directions of an authorized user physician.

(2) The actions authorized in paragraph (i)(1) of this section are permitted in spite of more restrictive language in license conditions.

(3) Nothing in this section relieves the licensee from complying with other applicable NRC, FDA, and other Federal or State regulations.

#### PART 35—MEDICAL USE OF BYPRODUCT MATERIAL

3. The authority citation from part 35 is revised to read as follows:

**Authority:** Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.11, 35.13, 35.20 (a) and (b), 35.21 (a) and (b), 35.22, 35.23, 35.25, 35.27(a), (c) and (d), 35.31(a), 35.32(a), 35.49, 35.50 (a)–(d), 35.51 (a)–(c), 35.53 (a)–(b), 35.59 (a)–(c), (e)(1), (g) and (h), 35.60, 35.61, 35.70 (a)–(f), 35.75, 35.80 (a)–(e), 35.90, 35.92(a), 35.120, 35.200 (b) and (c), 35.204 (a) and (b), 35.205, 25.220, 35.300, 35.310(a), 35.315, 35.320, 35.400, 35.404(a), 35.406 (a) and (c), 35.410(a), 35.415, 35.420, 35.500, 35.520, 35.605, 35.606, 35.610 (a) and (b), 35.615, 35.620, 35.630 (a) and (b), 35.632 (a)–(f), 35.634 (a)–(e), 35.636 (a) and (b), 35.641 (a) and (b), 35.643 (a) and (b), 35.645 (a) and (b), 35.900, 35.910, 35.920, 35.930, 35.932, 35.934, 35.940, 35.941, 35.950, 35.960, 35.961, 35.970, and 35.971 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14, 35.21(b), 35.22(b), 35.23(b), 35.27 (a) and (c), 35.29(b), 35.32 (b)–(f), 35.33 (a)–(b), 35.36(b), 35.50(e), 35.51(d), 35.53(c), 35.59 (d) and (e)(2), 35.59 (g) and (i), 35.70(g), 35.80(f), 35.92(b), 35.204(c) 35.310(b), 35.315(b), 35.404(b), 35.406 (b) and (d), 35.410(b), 35.415(b), 35.610(c), 35.615(d)(4), 35.630(c), 35.632(g), 35.634(f), 35.636(c), 35.641(c), 35.643(c), 35.645, and 35.647(c) are issued under sec. 1610, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 35.200, paragraph (c) is revised to read as follows:

##### § 35.200 Use of radiopharmaceuticals, generators, and reagent kits of imaging and localization studies.

(i)(1) From August 23, 1990, to August 23, 1993, a licensee may depart from the manufacturer's instructions for eluting generators and preparing reagent kits for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), by following the directions of an authorized user physician.

(2) Nothing in this section relieves the licensee from complying with other applicable NRC, FDA, and other Federal or State regulations.

5. In § 35.300, paragraph (b) is revised to read as follows:

##### § 35.300 Use of radiopharmaceuticals for therapy.

(b)(1) From August 23, 1990, to August 23, 1993, a licensee may depart from the package insert instructions regarding indications or method of administration for a radiopharmaceutical for which the Food and Drug Administration (FDA) has approved a "New Drug Application" (NDA), provided that the authorized user physician has prepared a written directive as required by § 35.32(a).

(2) Nothing in this section relieves the licensee from complying with other applicable NRC, FDA, and other Federal or State regulations.

Dated at Rockville, Maryland, this 28th day of May 1992.

For the Nuclear Regulatory Commission.  
**James M. Taylor,**  
*Executive Director for Operations.*  
 [FR Doc. 92-13666 Filed 6-10-92; 8:45 am]  
 BILLING CODE 7590-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Chapter I

[FRL-4142-2]

#### Intent To Form an Advisory Committee To Negotiate the Hazardous Waste Manifest Rule

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Intent to form a negotiated rulemaking advisory committee under the Federal Advisory Committee Act.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is considering establishing an Advisory Committee under the Federal Advisory Committee Act (FACA). The Committee's purpose would be to negotiate the Hazardous Waste Manifest rule to improve and standardize the present manifest system for shipments of hazardous waste under section 7004, 42 U.S.C. 6974(a) of the Resource Conservation and Recovery Act. The Committee would consist of representatives of parties that are substantially affected by the outcome of the proposed rule.

The EPA requests public comment on whether:

- It should establish a Federal Advisory Committee;
- It has properly identified interests it believes are affected by the suggested modifications listed in Part II (C) below;
- Regulatory negotiation is appropriate for this rulemaking, and the extent to which the procedures are adequate and appropriate.

**DATES:** The EPA must receive comments and suggestions by July 13, 1992.

**ADDRESSES:** An original and two copies of all comments should be submitted to RCRA Docket Information Center (OS-305), room M2427, EPA Headquarters, 401 M Street SW., Washington, DC 20460. Place the docket number F-92-HWMN-FFFFF on your comments. All comments and materials in this docket may be inspected at the EPA between 8 a.m. and 4 p.m. Monday through Friday. A reasonable fee may be charged for copying. The public must make an appointment to review docket materials by calling (202) 260-9327.

This notice also announces that an organizational meeting will be held to discuss the issues involved in the

regulation of the Hazardous Waste Manifest rule, and how negotiations will proceed. This meeting is open and any parties interested in the negotiation are encouraged to attend.

**DATES:** July 28, 1992, from 9 a.m. to 4 p.m.

**LOCATION:** National Governors Association, Hall of the States, 444 North Capitol Street, Washington, DC 20001, in room 283.

#### FOR FURTHER INFORMATION CONTACT:

For information pertaining to the substantive and technical issues to be addressed in the negotiation, contact: Rick Westlund, PM-223Y, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460; (202) 260-2745.

For information pertaining to the establishment of the negotiation committee and associated administrative matters contact: Deborah Dalton, PM-223Y, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; (202) 260-5495.

#### SUPPLEMENTARY INFORMATION:

##### Outline of Notice

- I. Negotiated Rulemaking Act
- II. Subject and Scope of the Hazardous Waste Manifest Rule
  - A. Need for Rule
  - B. Subject and Scope of the Rule
  - C. Manifest Modifications to be Negotiated
  - D. Affected Interests and Potential Participants
  - E. Schedule for the Negotiation
- III. Formation of the Committee
  - A. Procedure for Establishing an Advisory Committee
  - B. Participants
  - C. Requests for Representation
  - D. Final Notice
- IV. Negotiation Procedures
  - A. Facilitator
  - B. Good Faith Negotiation
  - C. Administrative Support
  - D. Meetings
  - E. Committee Procedures
  - F. Defining Consensus
  - G. Failure of the Committee to Reach Consensus
  - H. Record of Meetings

#### I. Negotiated Rulemaking Act

The Negotiated Rulemaking Act of 1990 (Pub. L. 101-648) establishes a framework for the conduct of negotiated rulemaking and encourages agencies to use the process to enhance the informal rulemaking process. Under the Act the head of an agency shall consider whether—

- (1) There is a need for a rule;
- (2) There are a limited number of identifiable interests that will be significantly affected by the rule;
- (3) There is a reasonable likelihood that a committee can be convened with

a balanced representation of persons who—

(A) Can adequately represent the interests identified under paragraph (2); and

(B) Are willing to negotiate in good faith to reach a consensus on the proposed rule;

(4) There is a reasonable likelihood that a committee will reach a consensus on the proposed rule within a fixed period of time;

(5) The negotiated rulemaking procedure will not unreasonably delay the notice of proposed rulemaking and the issuance of a final rule;

(6) The agency has adequate resources and is willing to commit such resources, including technical assistance, to the committee; and

(7) The agency, to the maximum extent possible consistent with the legal obligations of the agency, will use the consensus of the committee with respect to the proposed rule as the basis for the rule proposed by the agency for notice and comment.

Negotiations are conducted through Advisory Committees chartered under the Federal Advisory Committee Act (FACA). The goal of the Committee is to reach consensus on the language or issues involved in a rule. If consensus is reached, it is used as the basis of the Agency's proposal. All procedural requirements of the Federal Advisory Committee Act, the Administrative Procedure Act and other applicable statutes continue to apply.

#### II. Background on the Hazardous Waste Manifest Rule

##### A. Need for Rule

On January 8, 1990, the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) petitioned EPA to modify the hazardous waste manifest regulations. A copy of this petition is available for inspection in docket number F-92-HWMN-FFFFF at the EPA RCRA Docket Center, room M2427, 401 M Street SW., Washington DC 20460.

ASTSWMO proposed modifications to the regulations to increase the effectiveness, efficiency and consistency of the national hazardous waste manifest system which at present is an inconsistent structure that can vary widely between States. As a result of such inconsistent formats and procedures, the information generated is also inconsistent and makes the access to and the dissemination of this information difficult.

EPA is initiating this Regulatory Negotiation to address the issues raised in the petition.

#### *B. Subject and Scope of the Rule*

The primary objective of this rulemaking is to increase uniformity among the States' manifest systems. The current federal manifest regulatory structure has not been able to deal with many practical circumstances that have developed since the regulations were promulgated. This has forced states to act unilaterally to address inadequacies and ambiguities in the current manifest regulations. In fact, twenty-three states print their own manifest forms. Modifications to the federal regulations are necessary to standardize the information and to create a truly uniform manifest.

#### *C. Manifest Modifications to be Negotiated*

The EPA will address whether and how to adopt the following modifications proposed in the ASTSWMO petition during the negotiations:

- Assign and preprint, from a standard formula, a 10-character State Manifest Document number to all forms
- Eliminate the State generator ID number
- Add a block for the actual site address from where the waste was generated
- Enter State transporter license plate number in the transporter section of the manifest
- Require transporter phone number
- Eliminate the state facility ID number
- Require an on-site facility phone number, not a corporate headquarters office number
- Make the USEPA waste number required information; if there is a State waste code which further defines the waste, that code may also be listed under the USEPA code
- Standardize and limit information required in the "Additional Descriptions for Materials Listed Above" block
- Use handling codes in 40 CFR that will be used on Biennial Reports; add recycling codes to the list; require two codes (on-site ultimate disposition at receiving facility, and final off-site disposition if any)
- Have an 8-part form with standardized copy distribution
- Have a 4-part form for in-State shipments where State elects not to require that manifest copy be submitted to it
- Have one optional information block remain on form

- Other modifications pertaining to printing of forms (i.e. color, screening), instructions, size of blocks and spaces, title/numbering/order changes, adding or deleting information, acquisition hierarchy, submission of copies to State, copy retention by States, placement of waste minimization statement on form
- Any other modifications regarding the form and format of the manifest brought to the table during the regulatory negotiation

#### *D. Affected Interests and Potential Participants*

The EPA has tentatively identified the following list of possible interests and/or parties

- State manifest coordinators
- USEPA Program Officials
- US Department of Transportation Officials dealing with hazardous material transport
- Hazardous Waste Transporters
- Hazardous Waste Generators
- Hazardous Waste Management Industry
- Citizen and Public Interest Groups

#### *E. Schedule for the Negotiation*

The EPA has set a deadline of April 1, 1993 for the committee to complete work on the proposed rule. The agency intends to terminate the activities of the Committee if it does not appear likely to reach consensus on a schedule that is consistent with Agency rulemaking needs.

The EPA will host an organizational meeting of the Committee on July 28, 1992, to discuss details of how the negotiations will proceed and how the Committee will function.

If the organizational meeting is successful and the charter approved, the EPA will hold the first meeting of the Advisory Committee in September, 1992. At this meeting, participants will complete action on any procedural matters outstanding from the organizational meeting, determine how best to address the principal issues, and begin to address them. Subsequent meetings of the Committee will be held monthly in Washington, DC.

#### *III. Formation of the Negotiating Committee*

##### *A. Procedure for Establishing an Advisory Committee*

As a general rule, an agency of the federal government is required to comply with the requirements of the Federal Advisory Committee Act (FACA) when it establishes or uses a group which includes non-federal members as a source of advice. Under

FACA, an Advisory Committee is established only after both consultation with GSA and receipt of a charter. The EPA has prepared a charter and has initiated the requisite consultation process. Only upon the successful completion of this process and the receipt of the approved charter will EPA form the Committee and commence negotiations.

#### *B. Participants*

The number of participants in the group is estimated to be about 15 and should not exceed 25 participants. A number larger than this could make it difficult to conduct effective negotiations. One purpose of this notice is to help determine whether the rule that EPA is developing would substantially affect interests not adequately represented by the proposed participants. We do not believe that each potentially affected organization or individual must necessarily have its own representative. However, we firmly believe that each interest must be adequately represented. Moreover, we must be satisfied that the group as a whole reflects a proper balance and mix of interests.

#### *C. Requests for Representation*

If, in response to this Notice, an additional individual or representative of an interest requests membership or representation in the negotiating group, the Agency, in consultation with the facilitator, will determine whether that individual or representative should be added to the group. The EPA will make that decision based on whether the individual or interest:

- Would be substantially affected by the rule;
- Is already adequately represented in the negotiating group.

#### *D. Final Notice*

After evaluating the results of the organizational meeting, and reviewing any comments on this Notice and requests for representation, EPA will issue a final notice. That notice will announce the establishment of a Federal Advisory Committee and the date of the first negotiation meeting, unless (1) EPA decides, based on comments and other relevant considerations, that such action is inappropriate, or (2) EPA's charter request is disapproved. The negotiation process will begin once the Committee is appropriately chartered and notice is published in the *Federal Register*.

#### *IV. Negotiation Procedures*

The following procedures and guidelines will apply to the Committee,

if formed, unless they are modified as a result of comments received on this Notice or during the negotiating process.

#### A. Facilitator

EPA will use a neutral facilitator. The facilitator will not be involved with the substantive development or enforcement of the regulation. The facilitator's role is to:

- Chair negotiating sessions;
- Help the negotiation process run smoothly; and
- Help participants define and reach consensus.

#### B. Good Faith Negotiation

Since participants must be willing to negotiate in good faith and be authorized to do so, each organization must designate a senior official to represent its interests. This applies to EPA as well. David Schwarz, Chief of the Information Policy Branch, will be EPA's representative at the negotiation.

#### C. Administrative Support

The National Governors Association will supply logistical, administrative and management support. If it is deemed necessary and appropriate, EPA will provide technical support to the committee in gathering and analyzing additional data or information.

#### D. Meetings

Meetings will be held in the Washington area at the convenience of the Committee. EPA will announce Committee meetings in the *Federal Register* in accordance with FACA. Such meetings will be open to the public.

#### E. Committee Procedures

Under the general guidance and direction of the facilitator, and subject to any applicable legal requirements, the members will establish the detailed procedures for Committee meeting which they consider most appropriate.

#### F. Defining Consensus

The goal of the negotiating process is consensus. In the negotiations completed to date, consensus has meant that each interest concurs in the result. We expect the participants to fashion their own working definition of this term.

#### G. Failure of Advisory Committee to Reach Consensus

In the event the Committee is unable to reach consensus, EPA may proceed to develop its own rule. Parties to the negotiation may withdraw at any time. If this happens, the remaining Committee members and the Agency

will evaluate whether the Committee should continue.

#### H. Record of Meetings

In accordance with FACA's requirements, EPA will keep a record of all Advisory Committee meetings. This record will be placed in the public docket for this rulemaking.

Dated: June 5, 1992.

Thomas E. Kelly,

*Director, Office of Regulatory Management and Evaluation, U.S. Environmental Protection Agency.*

[FR Doc. 92-13776 Filed 6-10-92; 8:45 am]

BILLING CODE 6560-50-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 101-2

#### Payments to GSA for Supplies and Services Furnished Government Agencies

**AGENCY:** Office of the Chief Financial Officer, GSA.

**ACTION:** Proposed rule.

**SUMMARY:** The General Services Administration proposes to amend 41 CFR part 101-2, Payments to GSA for Supplies and Services Furnished Government Agencies. The proposed regulation establishes for each Finance billing office of the General Services Administration, at their option, the authority to accumulate small dollar invoices to be released for billing on a quarterly basis to the various Federal customer agencies. By accumulating small dollar invoices on a quarterly basis, workload and paper accumulation would diminish thus reducing overall cost.

**DATES:** All comments must be in writing and received on or before July 13, 1992.

**ADDRESSES:** Written comments should be sent to Mr. LeRoy P. Boucher, Director of Finance (BC), General Services Administration, 18th & F Streets, NW., Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald L. Smeltzer, Office of Finance, Financial Information Control Division (BCD), 202-501-2637.

**SUPPLEMENTARY INFORMATION:** These billings would be released when the total charges for a single BOAC (Customer Account Number) or Reimbursable Work Authorization (GSA Form 2957) reach a pre-established minimum threshold. Accounts which have not accumulated charges equal to the pre-established minimum threshold for a quarter, will defer the billing until

the end of a subsequent quarter in which the threshold is reached. At the end of the fiscal year, GSA will prepare a final bill reflecting all unpaid charges. Reimbursable Work Authorizations (RWA) will bill upon completion of the RWA if the threshold has not been reached. One precedent for seeking this authority is the Air Force billing policy of not producing monthly invoices for less than a pre-established minimum threshold. These minimum amounts are held in their accounting system until the customer's charges total the threshold at the end of a quarter whereupon the customer is billed.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

#### List of Subjects in 41 CFR Part 101-2

Accounting, Government procurement, Government property management.

## PART 101-2—PAYMENTS TO GSA FOR SUPPLIES AND SERVICES FURNISHED GOVERNMENT AGENCIES

1. The authority citation for 41 CFR part 101-2 continues to read as follows:

**Authority:** Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

### Subpart 101-2.1—Billings, Payments, and Adjustments

2. Section 101-2.102 is amended by revising paragraph (a) to read as follows:

#### § 101-2.102 Billing procedures.

(a) Bills comprised of the accumulation of small dollar invoices may be issued in cycles that extend beyond a quarterly cycle.

\* \* \* \* \*

**Note:** This document was received at the Office of the Federal Register on June 8, 1992.

Dated: February 4, 1992.  
**William B. Early, Jr.,**  
*Acting Chief Financial Officer.*  
 [FR Doc. 92-13749 Filed 6-10-92; 8:45 am]  
 BILLING CODE 6820-34-M

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### 49 CFR Part 659

##### State Safety Oversight; Public Hearings

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of public hearings.

**SUMMARY:** The Federal Transit Administration (FTA) announces that it will hold three hearings concerning implementation of section 28 of the Federal Transit Act, as amended (Act). Section 28 requires the FTA to issue regulations requiring States to oversee the safety of fixed guideway systems.

**DATES:** The following public hearings will be held:

1. Wednesday, June 17, 1992, in Los Angeles, California;
2. Tuesday, June 30, 1992, in Portland, Oregon;
3. Tuesday, July 14, 1992 in Washington, DC.

**ADDRESSES:** The hearings will be held in the following locations:

1. The June 17, 1992, hearing will be held from 10 a.m.-2 p.m. at the Westin Bonaventure Hotel, Los Feliz Room, 404 South Figueroa, Los Angeles, CA;
2. The June 30, 1992, hearing will be held from 4 p.m.-6 p.m., Red Lion Hotel, Lloyd Center, 1000 Northeast Multnomah, Portland, Oregon;
3. The July 14, 1992, hearing will be held from 9 a.m.-Noon, U.S. Department of Transportation, room 3200, 400 7th Street SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** From the Office of Technical Assistance and Safety, Mr. Franz Gimmmer or Mr. Roy Field, Federal Transit Administration, 400 7th Street SW., room 6432, Washington, DC 20590, (202) 366-2896 (telephone) or (202) 366-3765 (fax).

**SUPPLEMENTARY INFORMATION:** The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), added section 28 of the Federal Transit Act, as amended. Section 28 requires FTA to issue regulations requiring States to oversee the safety of rail fixed guideway systems. Section 28 requires a State to establish and implement a safety

program plan for each rail system in the State, other than commuter rail operations, which are currently subject to the jurisdiction of the Federal Railroad Administration. It also requires a State to designate a State oversight agency to: (1) Require, review and approve, and monitor implementation of, such plans; (2) investigate hazardous conditions and accidents on such systems; and (3) require corrective actions to correct or eliminate such conditions.

The law also provides that when a single transit agency serves more than one State, the affected States may designate an entity other than that agency to ensure uniform safety standards and enforcement. As noted above, the statute exempts rail systems regulated by the Federal Railroad Administration.

Section 28 further provides that, beginning in fiscal year 1995, the FTA may withhold up to five percent of funds apportioned under section 9 of the Act to a State or urbanized area within a State if the State fails to comply with the requirements of section 28, or is not making efforts to comply. In addition, the Act provides that if funds are withheld under this provision for longer than three years, the funds shall be reapportioned for use among all other States. Finally section 28 requires the FTA to issue regulations implementing section 28 by December 18, 1992.

The FTA seeks general information at the hearings regarding the implementation of section 28, including current State practices in this area. The agency expects to publish an Advance Notice of Proposed Rulemaking (ANPRM) before the first hearing that will describe issues the agency particularly seeks comments on and provide the docket number for written comments.

#### Hearing Procedures

FTA has established the following procedures to facilitate the hearings. Those wishing to participate in the public hearings should either contact Mr. Franz Gimmmer or Mr. Roy Field by telephone at (202) 366-2896, by fax at (202) 366-3765, or in writing at the address in the **FOR FURTHER**

**INFORMATION CONTACT** section above at least three business days before the hearings is to be held or register with the FTA on the day of the hearing. Those contacting FTA at least three business days before the hearing is to be scheduled may request a particular time to testify. FTA will try to accommodate those requests.

For those who have not contacted FTA at least three business days in advance, a registration desk will be available at the hearing site on the day of the hearing. Individuals may register beginning one hour before the hearing is scheduled to start. The registration desk will remain open until the hearings begin, after which FTA staff will try to accommodate late registrants. Time permitting, individuals will testify in the order in which they have registered.

Those who request to testify may be given ten minutes to make a statement as well as other relevant documents which will be included in the docket. FTA encourages those individuals to submit a written statement which will be included in the docket.

Those individuals in need of an oral interpreter or an assistive listening device should inform Mr. Gimmmer or Mr. Field of that need also at least three business days before the hearing is to be held. Unless requested three business days before the hearing, an oral interpreter will not be provided. Assistive listening devices will be available at the hearing site. The hearings sites are accessible to persons with disabilities.

A hearing officer will preside over the hearing. The hearing officer may make a statement to clarify issues or facilitate discussion during the hearing. Any statements the hearing officer makes during a hearing are not intended to be and should not be construed as a position of the FTA with respect to any future rulemaking.

The hearings will be recorded by a court reporter. A transcript of each hearing will be included in the official rulemaking docket and be available for inspection. Any individual interested in a copy of the transcript of a hearing may contact the court reporter directly.

The hearings are designed to solicit public views and information. Therefore, the hearings will be conducted in an informal and nonadversarial manner. However, the hearing officer may ask questions in order to clarify statements made at the hearing. To facilitate comment and get a broad cross-section of views, the FTA may ask some of those who register to testify in advance to participate as a panel during the hearing.

Issued on: June 9, 1992.

**Brian W. Clymer,**  
*Administrator.*

[FR Doc. 92-13898 Filed 6-9-92; 1:34 pm]

BILLING CODE 6810-67-M

# Notices

This section of the **FEDERAL REGISTER** contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forms Under Review by Office of Management and Budget

June 5, 1992.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection;

(2) Title of the information collection;

(3) Form number(s), if applicable;

(4) How often the information is requested;

(5) Who will be required or asked to report;

(6) An estimate of the number of responses;

(7) An estimate of the total number of hours needed to provide the information;

(8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 690-2118.

### Extension

#### • Food and Nutrition Service

Food Stamp Program Application to Accept & Redeem Food Stamps—FSP Regulations part 278.

FNS-252, FNS-252-2, FNS-350.

On occasion.

Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 78,823 responses; 26,241 hours.

### Federal Register

Vol. 57, No. 113

Thursday, June 11, 1992

Marilyn Carpenter (703) 305-2456.

#### • USDA/National Agricultural Statistics

Monthly Cold Storage.

Monthly.

Businesses or other for-profit; 11,300 responses; 4,475 hours.

Larry Gambrell (202) 720-7737.

#### New Collection

##### • Farmers Home Administration

7 CFR 1944-E, Rural Rental and Rural Cooperative Housing Loan Policies, Procedures, and Authorizations—Addendum 1.

FmHA 1944-30, 31.

On occasion.

State or local governments;

Businesses or other for-profit; Non-profit institutions; Small businesses or organizations; 5,220 responses; 2,160 hours.

Jack Holston (202) 720-9736.

##### • Food and Nutrition Service

Evaluation of the Low-Income Children's Nutritional Needs and Participation in USDA's Food Assistance Programs.

Once per respondent.

Individuals or households; State or local governments; Non-profit institution; 274 responses; 342 hours.

Sharron Cristofar (703) 305-2115.

Larry K. Roberson,

Deputy Departmental Clearance Officer.  
[FR Doc. 92-13708 Filed 6-10-92; 8:45 am]  
BILLING CODE 3410-01-M

### Animal and Plant Health Inspection Service

[Docket No. 92-080-1]

#### Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits to Field Test Genetically Engineered Organisms

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that eight environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered

organisms. The environmental assessments provide a basis for our conclusion that the field testing of these genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not have a significant impact on the quality of the human environment. Based on its findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

**ADDRESSES:** Copies of the environmental assessments and findings of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC 20250, between 8 a.m. and 4:30 p.m., Monday through Friday except holidays.

#### FOR FURTHER INFORMATION CONTACT:

Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

For copies of the environmental assessments and findings of no significant impact, write to Clayton Givens at the same address. Please refer to the permit numbers listed below when ordering documents.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing each permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the organisms will not present a risk of

plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS' review

and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits to allow the field testing of the following genetically engineered organisms:

Permit number	Permittee	Date issued	Organisms	Field test location
92-007-02	Monsanto Agricultural Company.	05-06-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Crittenden County, Arkansas; Christian County, Illinois; Benton County, Indiana; Story County, Iowa; and Queen Anne's County, Maryland
92-007-03	Monsanto Agricultural Company.	05-06-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Polk County, Iowa; and Obion County, Tennessee.
92-035-01	Rogers NK Seed Company.	05-07-92	Tomato plants genetically engineered to express a deltaendotoxin protein from <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> for resistance to lepidopteran insects.	Yolo County, California.
92-017-01	InterMountain Canola Company.	05-11-92	Rapeseed plants genetically engineered to express the phosphotrichitin acetyltransferase (PAT) gene for tolerance to the herbicide glufosinate, and to express male sterile or male sterile and hybrid lines.	Fremont County, Idaho.
92-015-01	Monsanto Agricultural Company.	05-11-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Arkansas County, Arkansas.
92-034-02, renewal of permit 90-310-01, issued on 03-20-91.	U.S. Department of Agriculture, Agricultural Research Service.	05-12-92	Potato plants genetically engineered to express a modified <i>Galleria mellonella</i> larval serum protein for resistance to blackspot bruise.	Bingham County, Idaho; Aroostook County, Maine; Clay County, Minnesota; Grand Forks County, North Dakota.
92-045-01, renewal of permit 90-332-01, issued on 04-17-91.	U.S. Department of Agriculture, Agricultural Research Service.	05-12-p92	Potato plants genetically engineered to express a gene coding for an insect protein (cecropin B) for anti-bacterial activity.	Bingham County, Idaho; Aroostook County, Maine; Clay County, Minnesota; Grand Forks and Cass Counties, North Dakota.
92-045-02, renewal of permit 90-345-01, issued on 05-02-91.	U.S. Department of Agriculture, Agricultural Research Service.	05-12-92	Potato plants genetically engineered to express a gene coding for an insect protein (cecropin B) for anti-bacterial activity.	Bingham County, Idaho; Aroostook County, Maine; Clay County, Minnesota; Grand Forks and Cass Counties, North Dakota.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 8th day of June 1992.

Robert Melland,  
Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-13779 Filed 6-10-92; 8:45 am]

BILLING CODE 3410-34-M

**[Docket No. 92-083-1]**

**Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits to Field Test Genetically Engineered Organisms**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that 14 environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The environmental assessments provide a basis for our conclusion that the field testing of these genetically engineered organisms will not present a risk of introducing or disseminating a plant pest and will not

have a significant impact on the quality of the human environment. Based on its findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

**ADDRESSES:** Copies of the environmental assessments and findings of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC 20250, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 438-7612.

For copies of the environmental assessments and findings of no significant impact, write to Clayton Givens at the same address. Please refer to the permit numbers listed below when ordering documents.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340 (referred to below as the regulations) regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article may be introduced into the United States. The regulations set forth the procedures for obtaining a

permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing each permit application, APHIS assessed the impact on the environment that releasing the organisms under the conditions described in the permit application would have. APHIS has issued permits for the field testing of the organisms listed below after concluding that the

organisms will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment. The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants and on a review of other relevant literature, provide the public with documentation of APHIS review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of permits to allow the field testing of the following genetically engineered organisms:

Permit number	Permittee	Date issued	Organisms	Field test location
92-015-04	Monsanto Agricultural Company	05-13-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Story County, Iowa; White County, Indiana.
92-016-01	U.S. Department of Agriculture, Agricultural Research Service, Northrup King Company	05-14-92	Potato plants genetically engineered to express a deltaendotoxin from <i>Bacillus thuringiensis</i> subsp. <i>thuringiensis</i> strain HD290 for resistance to the Colorado Potato Beetle.	Yakima County, Washington,
92-017-02	Northrup King Company	05-14-92	Corn plants genetically engineered to express a coat protein gene from the maize dwarf mosaic virus strain B (MDMV-B) for resistance to MDMV-B.	Champaign County, Illinois; Goodhue County, Minnesota,
92-017-03	Northrup King Company	05-14-92	Corn plants genetically engineered to express a deltaendotoxin protein from <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> strain HD1 for resistance to European corn borer.	Champaign County, Illinois; Goodhue County, Minnesota,
92-037-01	Monsanto Agricultural Company	05-14-92	Tomato plants genetically engineered to express tolerance to the herbicide glyphosate.	Jersey County, Illinois,
92-049-04	Dekalb Plant Genetics	05-14-92	Corn Plants genetically engineered to express a bacterial marker gene for hygromycin resistance, a betaglucuronidase (GUS) gene, and a methioninericher storage protein gene.	Dekalb County, Illinois,
92-017-04	Hoechst-Roussel Agri-Vet Company	05-15-92	Corn plants genetically engineered to express the phosphinothricin N-acetyltransferase (PAT) gene, for tolerance to the herbicide glufosinate.	Henry County, Illinois; Johnson County, Indiana; Iowa and Louisa Counties, Iowa; Saunders County, Nebraska,
92-034-03	Heinz U.S.A.	05-15-92	Tomato plants genetically engineered to express an antisense pectin methylesterase (PME) chimeric gene to increase the soluble solid content.	San Joaquin County, California,
92-065-01, renewal of permit 91-007-06, issued on 05-03-91.	U.S. Department of Agricultural Research Service, Monsanto Agricultural Company	05-15-92	Potato plants genetically engineered to express a modified chicken lysozyme gene.	Bingham County, Idaho; Aroostook County, Maine; Clay County, Minnesota; Cass and Grand Forks Counties, North Dakota; Daviess County, Kentucky,
92-073-02	Monsanto Agricultural Company	05-15-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Blue Earth, Watonwan, and Waseca Counties, Minnesota,
92-073-03	Monsanto Agricultural Company	05-15-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Columbia County, Wisconsin,
92-037-03	Monsanto Agricultural Company	05-19-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Jersey County, Illinois,
92-037-04	Monsanto Agricultural Company	05-19-92	Corn plants genetically engineered to express a deltaendotoxin protein from <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> for resistance to lepidopteran insects and to express tolerance to the herbicide glyphosate.	

Permit number	Permittee	Date issued	Organisms	Field test location
92-037-07	Upjohn Company	05-19-92	Cantaloupe and squash plants genetically engineered to express the coat protein genes of cucumber mosaic virus (CMV), watermelon virus 2 (WMV2), and zucchini yellow mosaic virus (ZYMV) for resistance to these viruses.	Maricopa County, Arizona; Colusa, Merced, Stanislaus, and Imperial Counties, California; Collier County, Florida; Atkinson and Spalding Counties, Georgia; Kane and Pope Counties, Illinois; Berrien County, Michigan; Huron County, Ohio; Reeves County, Texas.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 8th day of June 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-13781 Filed 6-10-92; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 92-079-1]

**Receipt of Permit Application for Release Into the Environment of Genetically Engineered Organisms**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that an application for a permit to release genetically engineered organisms into the environment is being reviewed by the Animal and Plant Health Inspection Service. The application has been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

**ADDRESSES:** A copy of the application referenced in this notice, with any confidential business information deleted, is available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of the document by writing to the person listed under "FOR FURTHER INFORMATION CONTACT."

**FOR FURTHER INFORMATION CONTACT:**

Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection

Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following application for a permit to release genetically engineered organisms into the environment:

Application number	Applicant	Date received	Organisms	Field test location
92-133-01, renewal of permit 91-123-01, issued on 06-20-92.	Amoco Technology Corporation.	05-12-92	Tobacco plants genetically engineered to express a eukaryotic gene for primary metabolism and a kanamycin resistance gene.	Fayette County, Kentucky.

Done in Washington, DC, this 8th day of June 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-13778 Filed 6-10-92; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 92-082-1]

**Receipt of Permit Application for Release Into the Environment of Genetically Engineered Organisms**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are advising the public that an application for a permit to release genetically engineered organisms into the environment is being reviewed by the Animal and Plant Health Inspection Service. The application has been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

**ADDRESSES:** Copies of the application referenced in this notice, with any confidential business information deleted, are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between

8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of this document by writing to the person listed under "FOR FURTHER INFORMATION CONTACT."

**FOR FURTHER INFORMATION CONTACT:** Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to

Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are

considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following application for a permit to release genetically engineered organisms into the environment:

Application number	Applicant	Date received	Organisms	Field test location
92-140-01	Ciba-Geigy Corporation	05-19-92	Corn plants genetically engineered to express a phosphinothrin acetyl transferase (PAT) gene for tolerance to phosphinothrin herbicides, and a delta-endotoxin protein from <i>Bacillus thuringiensis</i> subsp. <i>kurstaki</i> strain HD-1 for resistance to lepidopteran insects.	Palm Beach, County, Florida.

Done in Washington, DC, this 8th day of June 1992.

Robert Melland,  
Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-13780 Filed 6-10-92; 8:45 am]

BILLING CODE 3410-34-M

#### Forest Service

##### Southern Region; Exemption From Appeal of Salvage Timber Sale Project on the Apalachicola National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice; exemption of decision from administrative appeal.

**SUMMARY:** Pursuant to 36 CFR 217.4(a)(11) the Regional Forester for the Southern Region has determined that good cause exists and notice is hereby given to exempt from administrative appeal the decision to sell dead and dying trees that were consumed by the Post Office Bay fire on the Apalachicola Ranger District of the Apalachicola National Forest and to rehabilitate damaged areas. High temperatures have created conditions suitable for the rapid spread of blue stain in the dead trees. If not salvaged quickly, these trees will be rendered unmerchantable as sawtimber.

**EFFECTIVE DATE:** This exemption is effective June 11, 1992.

##### FOR FURTHER INFORMATION CONTACT:

Questions about this exemption should be directed to Jean P. Kruglewicz, Southern Region, Forest Service-USDA, 1720 Peachtree Road, NW., Atlanta, GA 30367 (404) 347-4867.

**SUPPLEMENTARY INFORMATION:** From May 25 to May 30, 1992, a wildfire (Post Office Bay) burned trees within an area covering 7,400 acres on the Apalachicola Ranger District of the Apalachicola National Forest. On the 4,400 acres that were actually burned, there are areas having significant amounts of dead and

dying trees and areas with relatively few dead trees. In the first category, the fire has left approximately 200 acres with merchantable slash and longleaf pine that are dead or dying. There are also about 300 acres of pine plantation in which the vast majority of the seedlings and saplings have been consumed by the fire.

The timber stands severely affected by this fire need restoration, through salvage of the merchantable trees killed or heavily damaged, and rehabilitation, through site preparation of prompt reforestation, of both these stands and the burned plantations. High temperatures characteristic of Florida summers create conditions conducive to the rapid spread of blue stain in recently killed timber. Blue stain will begin to infect trees within days of their death, and within two months will spread to such an extent as to render the trees unmerchantable as sawtimber. Within three to four months their value as pulpwood would be greatly diminished. Insect infestations (for example, turpentine and southern pine beetles) may also occur and further compound the damage.

Following salvage of the burned trees, these areas, as well as the burned plantations which had no merchantable timber, will need to be reforested. Planting is normally accomplished in December. Prior to that time, the sites must be prepared for planting. Sufficient lead time will be needed to compose the site preparation and tree planting contracts, advertise and award them, and then actually do the work. It is estimated that if the entire process were to begin now, there will be sufficient time to complete it. Any delay will make it progressively more difficult to accomplish.

An analysis is currently underway on a proposed action to salvage dead or heavily damaged trees and to rehabilitate the damaged stands. The

analysis includes the methods of harvest, site preparation, and reforestation. The environmental document and biological evaluation being prepared will disclose the effects of the proposed action on the environment, document public involvement, and address the issues raised by the public. Given the present condition of the burned timber and the high temperatures prevailing in the area, the need for action is critical. Any delay will result in losses to presently merchantable timber and will make subsequent rehabilitation efforts more difficult.

Dated: June 4, 1992.

John E. Alcock,  
Regional Forester.

[FR Doc. 92-13579 Filed 6-10-92; 8:45 am]

BILLING CODE 3410-11-M

##### Southern Region; Administrative Determination Regarding the Need To Supplement the Final Environmental Impact Statement for the Suppression of Southern Pine Beetle—Southern Region

AGENCY: Forest Service, USDA.

ACTION: Notice; Administrative determination.

**SUMMARY:** Pursuant to 40 CFR 1502.9(c)(1), the Chief of the Forest Service has determined, after reviewing the empirical evidence and new southern pine beetle (SPB) research, that the Final Environmental Impact Statement for the Suppression of the Southern Pine Beetle—Southern Region is still adequate and does not require supplementation at this time.

**EFFECTIVE DATE:** The administrative determination was made on May 27, 1992.

**FOR FURTHER INFORMATION CONTACT:**  
Requests for copies of or questions

about the administrative determination should be directed to Wesley A. Nettleton, Entomologist, Forest Service—USDA, Forest Pest Management, 1720 Peachtree Road, NW., Atlanta, GA 30367 (404) 347-2961.

**SUPPLEMENTARY INFORMATION:** The Record of Decision (ROD) for the Final Environmental Impact Statement for the Suppression of the Southern Pine Beetle—Southern Region (FEIS) was signed by the Chief of the Forest Service on April 6, 1987. Since 1987, southern pine beetle (SPB) suppression has been carried out by the national forests in the Southern Region of the Forest Service pursuant to that decision.

The Forest Service has reviewed the effectiveness of the Southern Pine Beetle suppression effort along with research studies concluded since the final EIS was completed. A report on new information relevant to the FEIS was prepared following the review.

The Forest Service has applied the criteria set out in 40 CFR 1502.9(c)(1) to the new information to determine the need to supplement the FEIS. After considering the agency's review of the empirical evidence on effectiveness of Southern Pine Beetle suppression and new SPB research, documented in the Report on New Information Relevant to the FEIS, the Forest Service concludes that the SPB control efforts are efficacious and that no other methods of control are available for operational use. The agency has not made substantial changes in the proposed action that are relevant to environmental concerns and there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Therefore, the Final Environmental Impact Statement for the Suppression of the Southern Pine Beetle—Southern Region is still adequate and does not need supplementation at this time.

Dated: June 4, 1992.

L. A. Amicarella,

Acting Deputy Chief for State and Private Forestry.

[FR Doc. 92-13769 Filed 6-10-92; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collections of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

**Agency:** Economic Development Administration (EDA).

**Title:** Special Adjustment Assistance.

**Form Number:** ED-540.

**OMB Approval Number:** 0610-0058.

**Type of Request:** Extension of the expiration date of a currently approved collection.

**Burden:** 4,125 hours.

**Number of Respondents:** 75.

**Avg Hours Per Respondent:** 55 hours.

**Needs and Uses:** This collection enables State and local governments, Indian tribes, public authorities, and nonprofit organizations to be considered for financial assistance.

**Affected Public:** State or local units of government, Indian tribes, public authorities and nonprofit organizations.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Gary Waxman, (202) 395-7340.

**Agency:** International Trade Administration (ITA).

**Title:** Commercial News USA – Worldwide Services Program.

**Form Number:** ITA-4099P.

**OMB Approval Number:** 0625-0127.

**Type of Request:** Extension of the expiration date of a currently approved collection.

**Burden:** 67 reporting hours.

**Number of Respondents:** 200.

**Avg Hours Per Respondent:** 20 minutes.

**Needs and Uses:** This collection allows ITA to promote U.S. services available for export in overseas markets as part of its trade promotion activities. The information reaches the U.S. Embassies and Consulates in printed form through ITA's magazine COMMERCIAL NEWS USA (CNUSA). CNUSA is a unique export promotion service for U.S. manufacturers (new products), service firms (Worldwide Services Program), and publishers of trade and technical literature (T&T). The Worldwide Services Program is one aspect of the magazine. It helps U.S. companies publicize their services overseas and test market interest there. Specifically, it is designed to encourage foreign companies to contact U.S. service firms interested in doing business overseas so that the U.S. firm can explore foreign market interest, find agents or other representatives, and make sales. The information is used to determine if the services meeting program criteria.

**Affected Public:** Businesses or other for-profit institutions, small businesses or organizations.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain benefit.

**OMB Desk Officer:** Gary Waxman, (202) 395-7340.

**Agency:** International Trade Administration.

**Title:** Special Access/Special Regime Export Declaration.

**Form Number:** ITA-370P.

**OMB Approval Number:** 0625-0179.

**Type of Request:** Extension of the expiration date of a currently approved collection.

**Burden:** 10,200 hours.

**Number of Respondents:** 119,000.

**Avg Hours Per Respondent:** Ranges between 3 and 18 minutes.

**Needs and Uses:** The Special Access and Special Regime Programs have been established to provide increased access to the United States market for textile products assembled abroad from fabric formed and cut in the U.S. The information being collected is being used by the Committee for the Implementation of Textile Agreements (CITA) and the U.S. Customs Service in two ways: (1) to determine whether merchandise exported from a participating Caribbean country or Mexico is properly certified as entitled to entry under the Special Access or the Special Regime and (2) to conduct audits to determine whether U.S. formed and cut fabric was used to produce the final product.

**Affected Public:** Businesses or other for-profit institutions, small businesses or organizations.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Gary Waxman, (202) 395-7340.

Copies of the above information collection proposals can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377-3271, Department of Commerce, room 5327, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Gary Waxman, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: June 4, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92-13726 Filed 6-10-92; 8:45 am]

BILLING CODE 3510-CW-F

**Foreign-Trade Zones Board**

[Docket No. 16-92]

**Foreign-Trade Zone 59—Lincoln, NE: Application for Expansion**

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Lincoln Foreign Trade Zone, Inc., grantee of FTZ 59, requesting authority to expand its zone in Lincoln, Nebraska. The application was submitted pursuant to the provisions of the FTZ Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 2, 1992.

FTZ 59 was approved on August 27, 1980 (Board Order 163, 45 FR 58637, 9/4/80). The zone is currently located at a site (250,000 sq. ft.) within the Lincoln Airpark West industrial park, adjacent to the Lincoln Municipal Airport. The site is owned by the Lincoln Airport Authority and operated by the grantee.

The applicant is now requesting authority to expand the zone to include the Lincoln Airpark North industrial park (372 acres), located directly north of the current site. It is owned by the Airport Authority and zone activity would be supervised by the grantee.

No manufacturing requests are being made at this time. Such approvals would be requested from the Board on a case-by-case basis.

In accordance with the Board's regulations (as revised, 56 FR 50790-50808, 10-8-91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 10, 1992. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 25, 1992).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, 11133 "O" Street, Omaha, NE 68137.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 3718, 14th & Pennsylvania Avenue, NW, Washington, DC. 20230.

Dated: June 4, 1992.

John J. Da Ponte, Jr.  
Executive Secretary.[FR Doc. 92-13797 Filed 6-10-92; 8:45 am]  
BILLING CODE 3610-DS-M**National Oceanic and Atmospheric Administration****Scup and Black Sea Bass in the Atlantic Ocean from Cape Hatteras North to the Canadian Border****AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Notice of intent to prepare a supplemental environmental impact statement (SEIS) and request for scoping comments.

**SUMMARY:** NOAA announces its intention to prepare, in cooperation with the Mid-Atlantic Fishery Management Council (Council), an SEIS to assess potential effects on the human environment of the management of scup (*Stenotomus chrysops*) and black sea bass (*Centropristes striata*) pursuant to the Magnuson Fishery Conservation and Management Act of 1976, as amended (Magnuson Act). This would be accomplished by amending the Fishery Management Plan for the Summer Flounder Fishery (FMP) by adding scup and black sea bass to the management unit and renaming the document the Summer Flounder, Scup, and Black Sea Bass FMP, and developing appropriate management measures. If such an amendment to the FMP is approved by the Secretary of Commerce (Secretary), implementation is expected in 1993.

In addition, the Council announces a public process for determining the scope of issues to be addressed and for identifying the significant issues related to instituting management of scup and black sea bass. The intended effect of this notice is to alert the interested public of the commencement of a scoping process and to provide for public participation. This action is necessary to comply with Federal environmental documentation requirements.

**DATES:** Scoping comments are invited until June 23, 1992. The scoping process will end at the conclusion of a scoping meeting that will begin at 7 p.m. on June 23, 1992. The meeting will be held at the Radisson/Philadelphia Airport, 500 Stevens Drive, Philadelphia, PA 19113 (215-521-5900).

**ADDRESSES:** Send scoping comments to Mr. John C. Bryson, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19901-6790 (Phone 302-674-2331) (FAX 302-674-5399).

**FOR FURTHER INFORMATION CONTACT:**

Mr. John C. Bryson.

**SUPPLEMENTARY INFORMATION:** The Mid-Atlantic mixed-species trawl fishery relies principally on summer flounder, scup, and black sea bass, but also harvests significant quantities of *Loligo* squid, winter flounder, witch flounder, yellowtail flounder, and other species either by bycatch or in directed fisheries. Many of these species are also principal components of the southern New England trawl fisheries since stock migrations occur between the Mid-Atlantic Bight and southern New England. Regulations governing fishing for these species appear at 50 CFR parts 625, 651, and 655.

Generally, fishing activity follows these species as they make annual migrations from south to north and from offshore to inshore waters. Fishing effort is concentrated to the north and inshore in summer when a wide range of vessels have access to the stocks. In winter, effort is concentrated to the south and offshore, primarily with larger vessels. Although the majority of landings are taken by otter trawls, scup and black sea bass are landed by many other types of fishing gear: midwater trawls, pots and traps, gill nets, pound nets and hand lines. At any particular time, fishermen may target a single species with certain gear, but significant bycatch of other species usually occurs in conjunction with the targeted species, depending on the fishing technique. As a result, discarded bycatch in the commercial fisheries is probably underestimated as a component of total mortality for scup and black sea bass.

Problems to be considered during the development of the amendment are:

**Scup Overexploitation**

Commercial scup landings have declined substantially since peak landings in 1981. In fact, in 1989, commercial landings decreased to 8.2 million pounds, the lowest amount recorded during the ten-year period 1981 to 1990. Recreational landings in 1990 of 4.6 million pounds were also below the ten-year average of 6.5 million pounds. In addition, catch-per-unit-of-effort (CPUE) for otter trawl vessels from Southern New England decreased over 54 percent from 1979 to 1989, from 13.6 to 6.2 thousand pounds per day fished, reflecting a decline in stock abundance.

Abundance indices from NMFS trawl surveys, and surveys conducted by the States of Massachusetts, Rhode Island, and Connecticut indicate that recent adult biomass is at low levels. Although the 1989 index increased sharply, the 1990 index dropped below the mean and

was the seventh lowest value in the time series.

In addition, length frequency distributions of scup in commercial landings have shifted to small, younger fish less than one year old. Although scup may attain ages of 20 years, recent landings have been composed primarily of age 2- and 3-year old scup with a general absence of larger, older fish in the landed catch.

Current estimates of fishing mortality indicate that the current mortality rate is approximately 1.2 or higher, exceeding the  $F_{max}$  level of 0.25. This, coupled with the decrease in landings, reduced CPUE, and low survey indices, as well as the truncated age distributions, indicate that scup are overexploited.

#### Black Sea Bass Overexploitation

Commercial landings of black sea bass from the Mid-Atlantic Bight have fluctuated without trend in the 1980's with average landings of 3.4 million pounds. Recreational landings have fluctuated markedly (over the time period from 1980-1990) with 1990 landings of 3.3 million pounds well below the ten-year average of 6.2 million pounds.

CPUE for vessels in the Mid-Atlantic trawl fishery peaked at 7,474 pounds per day fished in 1984 and declined to only 1,918 pounds in 1990, indicating a decline in population size for black sea bass from the Mid-Atlantic Bight. In addition, the commercial fishery tends to deplete incoming year classes rapidly, increasing the potential for reduced recruitment and further declines in stock abundance.

Abundance indices from the spring offshore bottom trawl survey conducted by the Northeast Fisheries Center of NMFS indicate a decrease in abundance of black sea bass from a peak in 1977 of 6.1 fish/tow to 0.5 fish/tow in 1990. Indices of pre-recruits (black sea bass less than 7.8 inches) indicate that above-average year classes occurred in 1977, 1982, and 1986 with recruitment in 1990 being about average.

Recent yield-per-recruit analysis indicates that  $F_{max}$  for black sea bass is 0.17. Based on length composition data from the commercial and recreational fisheries, current fishing mortality rates are 0.6 or higher. This indicates that black sea bass are overexploited.

#### Increased Fishing Pressure

Nearly all the major groundfish fisheries off New England (haddock, yellowtail flounder, redfish, and cod) have had their stocks severely depleted or have current catch levels which are below long-term potential catch levels. There have also been declines in South

Atlantic and Gulf of Mexico fishery resources. Consequently, it is probable that more effort will be directed towards the southern New England/Mid-Atlantic species of scup and black sea bass, exacerbating current problems of high mortality rates. Because of the potential for an increased number of entrants into the fisheries, increases in effort by present participants, as well as technological advances that have increased the efficiency of gear, there is a need to limit and reduce effort in the scup and black sea bass fisheries.

#### Lack of Uniform Management

The migratory nature of scup and black sea bass complicate the development of management strategies since fishing activities in the Exclusive Economic Zone (EEZ) or waters of a few states could adversely impact the stocks. For example, the Atlantic coastal states have different size regulations pertaining to the harvest of scup and black sea bass. The inshore distribution also creates problems relative to management under the Magnuson Act.

#### Inconsistent and Inadequate Enforcement

There is a lack of uniform enforcement affecting the scup and black sea bass fisheries which is partly due to the inconsistent regulations among states and between states and Federal jurisdictions. FMP advisors report a lack of consistency in enforcement between States, the EEZ, and/or parts thereof, due to various interpretations of the rules by enforcement officers. This inconsistency leads to confusion and results in fishermen seeking ways to avoid the rules. Adequate funding at the state and Federal level for enforcement personnel, training, and equipment is problematic. In addition, sanctions resulting from noncompliance with regulations are insufficient to encourage conformity to state and Federal laws. Rigid permit sanctions are likely to be a more effective deterrent than seemingly arbitrarily assessed fines.

#### Lack of Data

National standard 2 of the Magnuson Act states that "management measures shall be based upon the best scientific information available." Although recreational and commercial catch data for scup and black sea bass are adequate to formulate and implement management measures, data collection should be improved. An improved data base will allow the Council to adjust the management system to the needs of the fishery. These data are necessary to assess the impact and effectiveness of

management measures, and to monitor reductions in fishing mortality and increases in stock size to determine if additional amendments to the FMP will be necessary. For example, the absence of a permit-to-sell requirement in some states, which allows direct sale of catch to retail establishments by fishermen, may result in underreporting of commercial landings that complicates the development, implementation, and enforcement of fishery management strategies.

#### Habitat Degradation

Both scup and black sea bass are continental shelf species that spend significant portions of their lives in coastal waters. Both species make inshore and northern migrations during warm months and are found in tidal bays and sounds as well as the ocean environment. Those same areas are known to be increasingly affected by coastal development (e.g., destruction of wetlands, dredging, marinas, docks, etc.) and related declines in habitat quality and quantity. This increase in habitat degradation plays an important, yet undocumented, role in scup and black sea bass population health.

Possible management measures for the commercial fishery include:

	Scup	Black sea bass
Minimum fish size .....	X	X
Minimum mesh size .....	X	X
Closed seasons .....	X	X
Quotas .....	X	X
Minimum trap vent size .....		X
Biodegradable trap panels .....		X
Moratorium on vessels .....	X	X
Trip limits .....	X	X
Special management zones .....	X	X
Dealer and vessel permits .....	X	X
Dealer and vessel reports .....	X	X
Operator permits .....	X	X

Possible management measures for the recreational fishery include:

	Scup	Black sea bass
Minimum fish size .....	X	X
Maximum possession limit .....	X	X
Closed seasons .....	X	X
Special management zones .....	X	X
Dealer and vessel permits .....	X	X
Dealer and vessel reports .....	X	X
Operator permits .....	X	X

#### Scoping Process

The Council voted to develop a management plan for summer flounder, scup, and black sea bass in 1989. The first meeting of the Demersal Species Committee (with industry advisors) was

on January 26 and 27, 1990. The problems addressed (summarized above) and overfishing definitions were adopted by the Committee and Council in the spring of 1990. In the summer of 1990, the Council voted to postpone development of the scup and black sea bass portions of the plan in order to focus on measures to resolve the critical condition of the summer flounder resource. Amendment 2 to the summer flounder FMP is under Secretarial review, allowing the Council to focus on scup and black sea bass. The public may provide comments on the problems, the proposed management measures, or related considerations prior to or at the scoping meeting on June 23, 1992. All persons affected by or otherwise interested in a decision to amend the FMP to manage scup and black sea bass are invited to participate in this process to determine the scope of issues to be addressed and to identify the significant issues to be analyzed in the SEIS by submitting written comments to the above address. Scoping consists of the range of actions, alternatives, and impacts to be considered in the SEIS. Actions include those which may be closely related or cumulative. Alternatives include the no action alternative, other reasonable courses of action, and mitigation measures. Impacts may be direct, indirect, or cumulative. The scoping process also will identify and eliminate from detailed study issues which are not significant or which have been covered in prior environmental review. The scoping process will end on June 23, 1992, at the end of the public scoping meeting.

#### Timetable for SEIS Preparation and Decisionmaking

The Council has adopted a tentative schedule for amendment preparation, review, and approval for the scup and black sea bass amendment. Under this schedule, the draft SEIS is planned for completion prior to the Council's October 1992 meeting. If an acceptable draft is completed, the Council would decide at that meeting whether to submit the draft SEIS for public review. Oral comments to the Council on its decision could be made at that meeting. If the Council's decision is affirmative, public review and comments on the draft SEIS would be accepted during a 45-day comment period in November and December 1992. At its February 1993 meeting, the Council would decide on the management of scup and black sea bass. Again, oral comments on this decision could be made to the Council at that meeting. If the Council's decision is affirmative, the SEIS would be made final and submitted with the amendment

recommendation and other rulemaking documents to the Secretary for review and approval. The Council reserves the right to modify or abandon this schedule, if necessary.

Under the Magnuson Act, Secretarial review and approval of a proposed amendment is completed in no more than 95 days and includes concurrent public comment periods on the amendment and proposed regulations. If approved by the Secretary under this schedule, the scup and black sea management measures would be effective late in 1993.

Dated: June 5, 1992.

David S. Crestin,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

[FR Doc. 92-13714 Filed 6-10-92; 8:45 am]

BILLING CODE 3610-22-M

#### Marine Mammals

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

**ACTION:** Receipt of Application to Modify Permit No. 704 (P77#39).

Notice is hereby given that Southwest Fisheries Science Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, CA 92038-0271, has requested a modification of Permit No. 704 issued on May 7, 1990 (55 FR 19976), under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1543), and the regulations governing endangered fish and wildlife permits (50 CFR parts 217-222).

Permit No. 704 authorizes harassment of an unspecified number of northern elephant seals (*Mirounga angustirostris*), California sea lions (*Zalophus californianus*) and harbor seals (*Phoca vitulina*) during aerial photographic census, placement and recovery of photo-calibration markers, and while measuring natural objects. The research is conducted on the Channel Islands in the southern California Bight and islands off Baja California and Mexico.

The Permittee requests modification of this authorization to include: (1) Inadvertent harassment of up to 69,000 Stellar sea lions (*Eumetopias jubatus*), although no more than a total of 54,211 are expected to be taken annually during aerial surveys on haulouts and rookeries in Alaska (48,805), Washington (152), Oregon (3,222), California (2,032) and inadvertently

harass up to 30 California sea lions while placing markers on Año Nuevo Island (no Stellers will be harassed because markers will be placed on the Island before their arrival); (2) inadvertent harassment of 1000 elephant seals while attempting to measure 2000 to derive a regression formula for converting the total body length of elephant seals obtained from aerial photographs to standard lengths which can be used in the regression analysis; (3) replace the "unspecified numbers" authorized in the original permit to be harassed each year during aerial surveys with the following specific numbers: (a) 86,000 elephants seals, (b) 143,000 California sea lions, and (c) 46,000 harbor seals, of which 7,000 elephant seals, 19,000 California sea lions, 400 harbor seals may be harassed during marker placement/recovery; and (4) extend the authorization until December 31, 1994.

**ADDRESSES:** Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910, within 30 days of the publication Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910, within 30 days of the publication of this notice.

Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this modification request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above modification request are available for review by appointment in the Permits Division, Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20901 (301/713-2289);

Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 W. Ocean Blvd., Long Beach, CA 90802-4213 (310/980-4015);

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE BIN C15700, Seattle, WA 98115 (206/526-6150); and

Director, Alaska Region, National Marine Fisheries Service, NOAA,

Federal Annex, 9109 Mendenhall Mall Road, suite 6, Juneau, AK 99802 (907/568-7221).

Dated: June 4, 1992.

Charles Karnella,  
Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-13654 Filed 6-10-92; 8:45 am]

BILLING CODE 3510-22-M

#### Marine Mammals

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

**ACTION:** Receipt of application to modify permit no. 765 (P70E).

Notice is hereby given that Dr. William A. Watkins, Senior Research Specialist, Woods Hole Oceanographic Institution, Woods Hole, MA 02543, has requested a modification of Permit No. 765 issued on February 25, 1992 (57 FR 7735) under authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act, as amended (16 U.S.C. 1531-1543), and the regulations governing endangered fish and wildlife permits (50 CFR parts 217-222).

The Permit currently authorizes the Holder to harass up to 25 sperm whales (*Physeter macrocephalus*) annually, over a 5-year period while attempting to tag five each year with HF, sonic and/or satellite tags. Animals can be double tagged and, in some instances, individuals may be approached up to five times during tagging or re-tagging maneuvers. Animals approached closer than 100 yards and those animals exhibiting signs of being harassed (e.g., repeated avoidance behavior) are considered taken and counted against the authorized take.

The Permittee requests that this authorization be modified to allow additional harassment of up to 60 animals during sound playbacks to tagged sperm whales. This is for purposeful, repeated exposure up to 10 times a day of up to 5 tagged whales and any close companions to playback of a variety of sounds at maximum source levels of 183 dB. The Permit Holder estimates that up to 12 companions of each of the five tagged whales would be exposed at least to lower level sounds.

**ADDRESSES:** Written data or views, or requests for a public hearing on this modification request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, NOAA, U.S.

Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910, within 30 days of the publication of this notice.

Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this modification request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above modification request are available for review by appointment in the Permit Division, Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20901 (301/713-2289);

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, MA 01930 (508/281-9200); and

Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Blvd., St. Petersburg, FL 33702 (813/893-3141).

Dated: June 4, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-13655 Filed 6-10-92; 8:45 am]

BILLING CODE 3510-22-M

#### Marine Mammals; Permits

**AGENCY:** National Marine Fisheries Service, (NMFS), NOAA, DOC.

**ACTION:** Notice of receipt of application for permit (P772#60).

Notice is hereby given that the NMFS Southwest Fisheries Science Center, P.O. Box 271, La Jolla, California 92038-0271, has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The Southwest Fisheries Science Center requests authorization to collect tissue samples taken by projectile dart (biopsies) from various populations of bow-riding small cetaceans in the Eastern Tropical Pacific over a one-year period. The samples will be used in genetic analyses for the purpose of stock differentiation studies. The numbers of each species and stock requested to be biopsied are as follows:

20 common dolphin, northern stock (*Delphinus delphis*); 20 common dolphin, central stock (*D. delphis*); 20 common dolphin, "Guerrero" stock (*D. delphis*); 20 common dolphin, Baja neritic (long beaked) stock (*D. delphis*); 20 spinner dolphin, whitebelly stock (*Stenella longirostris*); 20 spinner dolphin, eastern stock (*S. l. orientalis*); 20 spinner dolphin, Costa Rican stock (*S. l. centroamericanus*); 20 spotted dolphin, coastal stock (*S. attenuata*); 20 spotted dolphin, offshore stock (*S. attenuata*); 30 striped dolphin, all stocks (*S. coeruleoalba*); 30 bottlenose dolphin, all stocks (*Tursiops truncatus*); 20 rough-toothed dolphin, unknown stock structure (*Steno bredanensis*); 20 Pacific white-sided dolphin, unknown stock structure (*Lagenorhynchus obliquidens*); 20 pygmy killer whales, unknown stock structure (*Feresa attenuata*); 20 false killer whales, unknown stock structure (*Pseudorca crassidens*); 20 Risso's dolphin, unknown stock structure (*Grampus griseus*).

Concurrent with the publication of this notice in the *Federal Register*, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7324, Silver Spring, MD 20910 within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, MD 20910 (301/713-2289); and

Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802-4213 (310/980-4016).

Dated: June 4, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-13656 Filed 6-10-92; 8:45 am]

BILLING CODE 3510-22-M

#### Marine Mammals; Permits

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, DOC.

**ACTION:** Receipt of application for scientific research permit (P772#61).

Notice is hereby given that the NMFS Southwest Fisheries Science Center, P.O. Box 271, La Jolla, CA 92038-0271, has applied in due form for a scientific research permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant requests authority to import skin samples taken from ten Amazon River dolphins, *Inia geoffrensis*, in Venezuela. These samples would be used in genetic analyses with the objective of obtaining information on the genetic variability in natural *Inia* populations in the Orinoco River and its tributaries.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Highway, Silver Spring, MD 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

Documents submitted in connection with the above application are available for review by interested persons in the following offices by appointment:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910 (301/713-2289); and

Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, suite 4200, Long Beach, CA 90802, (310/980-4016).

Dated: June 5, 1992.

Charles Karnella,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-13667 Filed 6-10-92; 8:45 am]

BILLING CODE 3510-22-M

#### [Modification No. 1 to Permit No. 766]

#### Marine Mammals; Modification of Permit; Oregon Coast Aquarium, Inc., (P491)

Section B.5. is revised to read:

"5. The Permit Holder shall notify the Northwest Region (206/526-6140) or NMFS Office of Enforcement (206/526-6133) regarding planned transportation of marine mammals at least two working days in advance of any such transportation. Such notice shall specify the number, species and sex of the animals, and the origin of the shipment. The notification shall also include verification that the animals are from captive stock."

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East West Highway, room 7324, Silver Spring, Maryland 20910, (301) 713-2289; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700—Bldg. 1, Seattle, Washington 98115-0070, (206) 526-6150.

Dated: June 5, 1992.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 92-13668 Filed 6-10-92; 8:45 am]

BILLING CODE 3510-22-M

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Adjustment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Thailand

June 8, 1992.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs reducing a limit.

**EFFECTIVE DATE:** June 15, 1992.

**FOR FURTHER INFORMATION CONTACT:** Ross Arnold, International Trade

Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6581. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Category 200 is being reduced for carryforward used in 1991.

A description of the textile and apparel categories in terms of HTS numbers is available in the

**CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 58559, published on November 20, 1991.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 8, 1992.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1992 and extends through December 31, 1992.

Effective on June 15, 1992, you are directed to amend the November 15, 1991 directive to reduce the current limit for Category 200 to 751,921 kilograms<sup>1</sup>, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and Thailand.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

<sup>1</sup> The limit has not been adjusted to account for any imports exported after December 31, 1991.

Sincerely,  
**Auggie D. Tantillo,**  
*Chairman, Committee for the Implementation of Textile Agreements.*  
 [FR Doc. 92-13798 Filed 6-10-92; 8:45 am]  
 BILLING CODE 3510-DR-F

## COMMODITY FUTURES TRADING COMMISSION

### MidAmerica Commodity Exchange Proposed Contract

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of availability of the terms and conditions of proposed commodity futures contract.

**SUMMARY:** The MidAmerica Commodity Exchange (MCE or Exchange) has applied for designation as a contract market in three-month Eurodollar time deposit futures. The Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

**DATES:** Comments must be received on or before July 13, 1992.

**ADDRESSES:** Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581. Reference should be made to the MCE three-month Eurodollar time deposit futures contract.

**FOR FURTHER INFORMATION CONTACT:** Please contact Stephen Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581, telephone 202-254-7303.

**SUPPLEMENTARY INFORMATION:** Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the Exchange in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C.

552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the terms and conditions, or with respect to other materials submitted by the exchange in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on June 5, 1992.

**Gerald D. Gay,**

*Director.*

[FR Doc. 92-13760 Filed 6-10-92; 8:45 am]

BILLING CODE 6351-01-M

## COMMISSION ON CIVIL RIGHTS

### Arkansas Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provision of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Arkansas Advisory Committee to the Commission will convene at 10:30 a.m. and adjourn at 12 p.m., on July 17, 1992 at the University of Arkansas—Pine Bluff, 1600 University Drive, Pine Bluff, Arkansas 72601. The purpose of the meeting is for SAC orientation and program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Division (816) 426-5253, (TDD 816/426-5009). Hearing impaired persons who will attend the meeting and require the services of sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 5, 1992.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 92-13757 Filed 6-10-92; 8:45 am]

BILLING CODE 6335-01-M

## Agenda of Public Meeting of the Louisiana Advisory Committee

Notice is hereby given, pursuant to the provision of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Louisiana Advisory Committee to the Commission will convene at 6:30 p.m. and adjourn at 8 p.m., on July 15, 1992 at the Holiday Inn Crowne Plaza, 333 Poydras Street, New Orleans, Louisiana 70130. The purpose of the meeting is for SAC orientation and program planning.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Region Division (816) 426-5253 (TDD 816/426-5009). Hearing impaired persons who will attend the meeting and require the services of sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 5, 1992.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 92-13759 Filed 6-10-92; 8:45 am]

BILLING CODE 6335-01-M

## Agenda of Public Meeting of the Maryland State Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maryland State Advisory Committee to the Commission will convene at 12 Noon and adjourn at 3 p.m. on Wednesday, June 24, 1992, St. John's College, Mellon Building, Conference Room, Annapolis, Maryland 21401. The purpose of the meeting is to plan a civil rights workshop on intergroup relations and racial tensions in the State.

Persons desiring additional information, or planning a presentation to the Committee, should contact John L. Binkley, Director, Eastern Regional Office at (202) 523-5264, TDD (202) 376-8116. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC., June 5, 1992.  
 Carol-Lee Hurley,  
*Chief Regional Programs Coordination Unit*  
 [FR Doc. 92-13761 Filed 6-10-92; 8:45 am]  
 BILLING CODE 6335-01-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### Active Duty Service Determinations for Civilian or Contractual Groups

On May 14, 1992, the Secretary of the Air Force approved an addendum to an August 30, 1990 Secretarial decision determining the service of the group known as the "U.S. Civilians of the American Field Service (AFS) Who Served Overseas Under U.S. Armies and U.S. Army Groups in World War II During the Period December 7, 1941, through May 8, 1945" would be considered "active duty" for purposes of all laws administered by the Department of Veterans Affairs.

Add paragraph 3 to the August 30, 1990 eligibility criteria which reads as follows:

3. Served honorably on flights with the 3d Combat Cargo Squadron, Army Air Forces, December 7, 1941 through August 14, 1945.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer*  
 [FR Doc. 92-13712 Filed 6-10-92; 8:45 am]  
 BILLING CODE 3410-01-M

555 New Jersey Ave., Capitol Place Room 610B, Washington, DC 20208. Telephone: (202) 219-2249.

**SUPPLEMENTARY INFORMATION:** The National Education Commission on Time and Learning is established under section 102 of the Education Council Act of 1991 (20 U.S.C. 1221-1). The Commission is established to examine the quality and adequacy of the study and learning time of elementary and secondary students in the United States, including issues regarding the length of the school day and year, the extent and role of homework, how time is being used for academic subjects, year-round professional opportunities for teachers, and the use of school facilities for extended learning programs.

The meeting and hearing of the Commission are open to the public. The proposed agenda includes:

**Meeting:** Discussion of the Commission's workplan, as well as review of the preliminary materials submitted by the participants of the hearing.

**Hearing:** Hear testimony from invited participants and the general public. This hearing will focus on the quality and adequacy of time devoted to study and learning, views may also be presented on any of the additional mandates as outlined in Public Law 102-62.

Records are kept of all Commission proceedings, and are available for public inspection at the Office of the Commission at 555 New Jersey Ave., NW., Capitol Place room 610B, Washington, DC 20208 from the hours of 9 a.m. to 5:30 p.m.

Dated: June 5, 1992.

John Hodge Jones,  
*Chairman, National Education Commission  
on Time and Learning.*

[FR Doc. 92-13873 Filed 6-10-92; 8:45 am]  
 BILLING CODE 4000-01-M

## DEPARTMENT OF EDUCATION

### National Education Commission on Time and Learning; Meeting

**AGENCY:** National Education Commission on Time and Learning, Education.

**ACTION:** Notice of meeting and public hearing.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting and public hearing of the National Education Commission on Time and Learning. This notice also describes the functions of the Commission. Notice of this hearing is required under section 10(a)(2) of the Federal Advisory Committee Act.

**DATES AND TIME:** Meeting: June 25, 1992 from 1 p.m. to 4:30 p.m., Hearing: June 26, 1992 from 9 a.m. to 4:30 p.m.

**ADDRESSES:** Meeting: The Business Roundtable, 1615 L Street, NW., suite 1350, Wash., DC., Hearing: Senate Dirksen Building, room 628.

**FOR FURTHER INFORMATION CONTACT:**  
 Julia Anna Anderson, Special Assistant,

located on Olson Creek in Skagit County, near Marblemount, Washington, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

*Secretary.*

[FR Doc. 92-13696 Filed 6-10-92; 8:45 am]  
 BILLING CODE 6717-01-M

## [Docket No. JD92-06981T Oklahoma-21]

### State of Oklahoma; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formations

June 4, 1992.

Take notice that on June 1, 1992, the Corporation Commission of the State of Oklahoma (Oklahoma) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Spiro Formation underlying portions of Latimer, LeFlore and Pushmataha Counties qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978. The designated area is more fully described on the appendix.

The notice of determination also contains Oklahoma's findings that the referenced portion of the Spiro Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

*Secretary.*

## Appendix

*Township 5 North, Range 20 East  
Sections 13-36*

*Township 5 North, Range 19 East  
Sections 25-27 and 34-36*

*Township 4 North, Range 20 East  
Sections 1-36*

*Township 4 North, Range 19 East*

Sections 1-3, 10-15 and 19-36  
**Township 3 North, Range 19 East**  
 Sections 1-18  
**Township 3 North, Range 20 East**  
 Sections 1-36  
**Township 4 North, Range 21 East**  
 Sections 19-36  
**Township 3 North, Range 21 East**  
 Sections 1-38  
**Township 2 North, Range 20 East**  
 Sections 1-18  
**Township 2 North, Range 21 East**  
 Sections 4-9 and 16-18  
 All in Latimer, LeFlore and Pushmataha  
 Counties, Oklahoma.

[FR Doc. 92-13694 Filed 6-10-92; 8:45 am]  
 BILLING CODE 6717-01-M

[Project No. 10926-001 West Virginia]

**Town of Gassaway, WV; Surrender of Preliminary Permit**

June 5, 1992.

Take notice that the Town of Gassaway, West Virginia, permittee for the Sutton Hydro Project located on Elk River near Sutton, Braxton County, West Virginia, has requested that its preliminary permit be terminated. The preliminary permit was issued on April 10, 1991, and would have expired on March 31, 1994.

The permittee filed the request on May 15, 1992, and the preliminary permit for Project No. 10926 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Lois D. Cashell,  
 Secretary.

[FR Doc. 92-13699 Filed 6-10-92; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. TQ92-4-31-000]

**Arkla Energy Resources; Filing of Revised Tariff Sheets Reflecting Quarterly PGA Adjustment**

June 4, 1992

Take notice that on June 1, 1992, Arkla Energy Resources (AER), a division of Arkla, Inc., tendered for filing the following revised tariff sheets to become effective July 1, 1992:

*Rate Schedule X-26*

Original Volume No. 3  
 Nineteenth Revised Sheet No. 185.1

*Rate Schedule No. G-2*

Second Revised Volume No. 1

First Substitute Thirteenth Revised Sheet No. 11

*Rate Schedule No. CD*

Second Revised Volume No. 1  
 Thirteenth Revised Sheet No. 16

AER states that the tariff sheets reflect AER's first quarterly PGA filing made subsequent to its annual PGA effective April 1, 1992 under the Commission's Order Nos. 483 and 483-A.

AER states that the proposed changes reflect a decrease in AER's system cost of \$493,114 and would decrease its revenue from jurisdictional sales and service by \$4,813 for the PGA period of July, August and September 1992 as adjusted. AER states that the rate changes are based on the rates contained in AER's PGA Compliance Filing made on May 18, 1992 in Docket No. TA92-2-31.

AER states that copies of the filing is being mailed to the customers served under AER's Jurisdictional Rate Schedules and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,  
 Secretary.

[FR Doc. 92-13695 Filed 6-10-92; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. RP92-185-000]

**El Paso Natural Gas Company; Tariff Filing**

June 5, 1992.

Take notice that on June 2, 1992, El Paso Natural Gas Company ("El Paso") tendered for filing and acceptance, pursuant to Part 154 of the Federal Energy Regulatory Commission's ("Commission") Regulations Under the Natural Gas Act, revisions to various provisions contained in the General Terms and Conditions of El Paso's FERC Gas Tariff, First Revised Volume No. 1-A and Second Revised Volume No. 1, to become effective July 1, 1992.

El Paso states that the tendered tariff sheets, when accepted for filing and permitted to become effective, will serve to: (1) Revise section 6.4, Failure to Pay Bills, of the Transportation General Terms and Conditions, and section 6.2, Suspension of Service for Non-Payment, of the General Terms and Conditions contained in El Paso's Volume Nos. 1-A and 1 Tariffs, respectively, by specifying proper notice and assurance procedures before suspension of service for failure to pay bills; (2) revise Section 6, Payments, of the General Terms and Conditions contained in its Volume No. 1 Tariff by adding a new section which reconfirms that El Paso will not be required to perform or continue service for any customer who is or becomes insolvent or who, at El Paso's request, fails within a reasonable period to demonstrate creditworthiness and otherwise to provide adequate assurances of due performance of customer's contract obligations; (3) revise sections 19.10 and 20.9 to the Transportation General Terms and Conditions contained in its Volume No. 1-A Tariff to clarify the events that would cause suspension or termination of service due to failure to provide assurances of performance; (4) revise sections 19.12 and 20.11 to the Transportation General Terms and Conditions contained in its Volume No. 1-A Tariff to reflect the elimination of the daily and monthly cumulative imbalance penalties and replace them with cash-out of imbalance procedures; (5) revise sections 19.13 and 20.12 to the Transportation General Terms and Conditions contained in its Volume No. 1-A Tariff to reflect certain clarifications to the Unauthorized Overpull Penalty; and (6) add a new section 27 to the Transportation General Terms and Conditions contained in its Volume No. 1-A Tariff to establish certain procedures to deter the introduction of Unauthorized Gas into El Paso's facilities.

El Paso further states that such revisions to El Paso's Volume Nos. 1-A and 1 Tariffs are necessary in order to update certain financial and operating provisions so that they are integrated as necessary for providing open access transportation service, to meet the business needs of El Paso and its customers in today's natural gas markets, and to assure the integrity and safety of the pipeline system. As an open access pipeline, El Paso's system is open to many types of customers and a wide variety of users of the system. In all cases, El Paso and its customers have had to learn to work with the new business and operational realities of

open access. In some cases, customer inability or failure to conform to necessary business and operational procedures have opened the door to abuse that may threaten the day-to-day operation of the pipeline system. The proposed tariff sheets are designed to facilitate open access transportation and ensure safe and reliable pipeline operations.

El Paso has respectfully requested that the Commission grant such waivers of its applicable rules and regulations as may be necessary to permit the tendered tariff sheets to become effective on July 1, 1992.

El Paso states that copies of the filing were served on all of El Paso's interstate pipeline system transportation and sales customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 351.211 of this Chapter. All such motions, or protests should be filed on or before June 12, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell

Secretary

[FR Doc. 92-13693 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. MT92-4-000]**

**Gas Transport, Inc.; Proposed Changes in FERC Gas Tariff**

June 4, 1992.

Take notice that on May 26, 1992, Gas Transport, Inc. ("Gas Transport") tendered for filing Second Revised Sheet Nos. 82-93 to its FERC Gas Tariff, First Revised Volume No. 1, proposed to become effective on June 1, 1992.

Second Revised Sheet Nos. 85 and 86 contain the tariff provisions required § 250.16(b)(1) of the Commission's Regulations (18 CFR 250.16(b)(1)) to comply with the requirements of Order No. 497 applicable to pipelines which conduct transportation transactions with affiliated natural gas marketing entities.

Second Revised Sheet Nos. 87-91 reflect revisions in the Transportation

Service Request and Customer Nomination Forms. Gas Transport states that the revisions make these forms more understandable, user-friendly, and similar to forms used by other pipelines. Also, Second Revised Sheet Nos. 82-84, were submitted to correct pagination errors.

Gas Transport states that copies of this filing were served upon its jurisdictional customers and the Regulatory Commissions of the states of Ohio and West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions to intervene or protests should be filed on or before June 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-13686 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. RS92-92-000]**

**Jupiter Energy Corp.; Institution of Restructuring Proceeding Under Order No. 636**

June 5, 1992.

Take notice that the Commission is instituting a proceeding for Jupiter Energy Corporation (Jupiter) in which the pipeline will make the rate, tariff, or service changes necessary to comply with the revisions to title 18 of the Code of Federal Regulations promulgated by Order No. 636. Under the provisions of 18 CFR 284.14, the pipeline is required to make a compliance filing in the above-captioned docket on or before December 31, 1992.

Any person desiring to be heard in the instant proceeding must file a motion to intervene in that proceeding with the Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC, on or before June 12, 1992, in accordance with the requirements of rule 214 of the Commission Rules of Practice and Procedure (18 CFR 385.214). Motions to intervene must be filed in the docket for the restructuring of the

individual pipeline and not in the docket for Order No. 636. Late motions to intervene in this proceeding, especially motions filed after the filing of the pipeline's compliance filing will not be viewed with favor.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-13700 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

**[Docket No. PR92-17-000]**

**Louisiana Resource Pipeline Co., Limited Partnership; Petition for Rate Approval**

June 5, 1992.

Take notice that on May 29, 1992, Louisiana Resources Pipeline Company, Limited Partnership (LRP) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission allow it to continue in effect its existing maximum rate of 27.56 cents per MMBtu as a fair and equitable rate for transportation of natural gas under section 311(a)(2) of the natural Gas Policy Act of 1978 (NGPA).

LRP states that it is an intrastate pipeline within the meaning of section 2(16) of the NGPA operating in the State of Louisiana. LRP includes in its application data to illustrate the competitiveness of the Southern Louisiana market which it uses to justify the continuance of its existing rate. LRP states that its pipeline system is in an extremely competitive area in Southern Louisiana and the rates LRP charges for section 311 transportation services are a function of such competition and the marketplace, rather than the maximum section 311 rate which has been approved by the Commission. As a result, LRP proposes to retain its existing maximum section 311 rate in effect as a rate ceiling, recognizing, however, that the actual rates charged are set by the competitive transportation market in Southern Louisiana.

Pursuant to § 284.123(b)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion

to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before June 25, 1992. The petition for rate approval is on file with the Commission and is available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-13688 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-166-010]

**Northwest Pipeline Corp.; Compliance Filing**

June 5, 1992.

Take notice that on June 1, 1992, Northwest Pipeline Corporation (Northwest) tendered for filing in the captioned docket the following tariff sheets, in compliance with Ordering Paragraph (D), of the Commission's order issued May 1, 1992 in Docket Nos. CP91-2392-0002 and CP91-2393-000, to be a part of its FERC Gas Tariff:

*Second Revised Volume No. 1*

ProForma Sheet No. 10

ProForma Sheet No. 11

ProForma Sheet No. 13

ProForma Sheet No. 138

ProForma Sheet No. 146

*First Revised Volume No. 1-A*

ProForma Sheet No. 2

ProForma Sheet No. 201

ProForma Sheet No. 406

ProForma Sheet No. 437

*Original Volume No. 2*

ProForma Sheet No. 2

ProForma Sheet No. 2.1

ProForma Sheet No. 2-A

ProForma Sheet No. 2-A.1

ProForma Sheet No. 2-B

ProForma Sheet No. 2-C

Northwest states that Sheet Nos. 10, 11, and 13 of Volume No. 1, Sheet No. 201 of Volume 1-A, and Sheet Nos. 2, 2.1, 2-A and 2-A.1 of Volume No. 2 are filed to reflect the reclassification of facilities from the Transmission Function to the Gathering Function and the corresponding adjustment in Northwest's sales, transportation and storage rates. Northwest states that Sheet Nos. 2, 138 and 146 of Volume No. 1 and Sheet Nos. 406 and 437 of Volume No. 1-A are filed to remove any reference to gathering and processing from the foreshaid tariff volumes. Northwest states that Sheet Nos. 2-B and 2-C of Volume No. 2 are filed to

remove the previously approved gathering and processing rates from Volume No. 2 of Northwest's tariff.

Northwest states that it proposes to make the tariff sheets effective as of the date the facilities are conveyed to Williams Gas Processing Company (Williams).

Northwest states that of the filing is being mailed to each party in Docket Nos. CP91-2392, CP91-2393 and RP91-166 and to all affected customers and regulatory commissions of each state in which any customer distributes gas.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 12, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-13698 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

Any person desiring to protest said filing should file a protest with the Federal Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 12, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-13697 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP92-155-001]

**Ozark Gas Transmission System; Proposed Change in FERC Gas Tariff**

June 4, 1992.

Take notice that Ozark Gas Transmission System ("Ozark") on May 29, 1992, submitted the following revised tariff sheet in its FERC Gas Tariff, First Revised Volume No. 1:

*Substitute Second Revised Sheet No. 126*

Ozark states that the purpose of this filing is to comply with the order issued by the Commission in the referenced docket on May 21, 1992. The proposed effective date is May 22, 1992. Ozark states that copies of the filing were served upon its jurisdictional customers and all parties to this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-13684 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-259-053]

**Northern Natural Gas Co.; Notice of Interim Gas Inventory Charge**

June 5, 1992.

Take notice that Northern Natural Gas Company (Northern) on April 30, 1992, tendered for filing a reconciliation of the Interim Gas Inventory Charge (IGIC).

The instant filing is made in compliance with the Commission's Order in Docket No. RP88-259-034, et al. on November 19, 1990.

Additionally, Northern is also requesting a waiver of ordering paragraph (f) of the November 19, 1990 Order wherein any refunds were to be paid in cash based upon the actual customer's billing determinants during the interim period. As the IGIC period has been extended, Northern requests that the refunds be carried over into the current IGIC period with any balance accruing the appropriate carrying charges.

Northern states that copies of the filing were served upon Northern's jurisdictional customers and interested state commissions.

[Docket No. RP92-147-001]

**Questar Pipeline Company; Tariff Filing**

June 5, 1992

Take notice that Questar Pipeline Company on May 19, 1992, tendered for filing and acceptance Substitute Original Sheet No. 19A to Original Volume No. 1 of its FERC Gas Tariff.

Questar states that this filing is made in compliance with the Commission's May 1, 1992, order in Docket Nos. TM92-3-55-000 and RP92-147-000.

Questar requests an effective date of May 3, 1992, for the proposed tariff sheet and states that this filing has been served upon all parties on the official service list and the Utah and Wyoming public service commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 12, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

*Lois D. Cashell,  
Secretary.*

[FR Doc. 92-13691 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR92-16-000]

**Sonat Intrastate-Alabama Inc.; Petition for Rate Approval**

June 5, 1992.

Take notice that on May 20, 1992, Sonat Intrastate-Alabama Inc. filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a maximum rate of \$0.326 per MMBtu for transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA). Sonat Intrastate-Alabama has submitted cost data to support its proposed rate in Exhibit I to its application.

Sonat Intrastate-Alabama's petition states that it is an intrastate pipeline within the meaning of section 2(16) of the NGPA operating in the State of Alabama. It states that its previous rate of \$0.334 per MMBtu was approved by the Commission in Docket No. ST89-3601-000 on June 7, 1990.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150 day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person, desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before June 22, 1992. The petition for rate approval is on file with the Commission and is available for public inspection.

*Lois D. Cashell,  
Secretary.*

[FR Doc. 92-13687 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP84-82-013 and RP92-97-003]

**Tarpon Transmission Co., Tariff Filing**

June 4, 1992.

Take notice that on May 29, 1992, Tarpon Transmission Company ("Tarpon") tendered for filing with the Commission as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Eighth Sheet No. 2A, to be effective on June 1, 1992. Tarpon states that it has filed this tariff sheet (which reflects a transportation rate of 8.1 cents per Mcf, inclusive of a 3.4-cent per Mcf charge for nonrecurring regulatory commission expense), in compliance with Ordering Paragraph (B) of the Commission's "Order Granting Rehearing," issued in the above-referenced dockets on May 29, 1992 ("Rehearing Order"). The 8.1-cent compliance rate reflects a .6-cent per Mcf increase in Tarpon's previously effective compliance rate to permit Tarpon to recover carrying charges on its nonrecurring regulatory commission expenses.

Tarpon also submitted for filing Substitute First Sheet No. 86A (the rate exhibit to Tarpon's ITS pro forma contract) and Substitute Second Sheet No. 96A (the rate exhibit to Tarpon's FTS pro forma contract) to reflect Tarpon's new compliance rate, including the charge (with carrying costs) for nonrecurring regulatory commission expense. Tarpon requests that the Commission grant any waivers

necessary to make these sheets effective on June 1, 1992.

Tarpon further noted that it filed tariff sheets on April 30, 1992 in Docket No. RP92-164 to increase its then-effective compliance rate of 7.5 cents per Mcf to 15.9 cents per Mcf. By order issued May 29, 1992, the Commission accepted Tarpon's 15.9-cent rate for filing, and suspended it to become effective October 1, 1992, subject to refund and to the condition that Tarpon file revised tariff sheets reflecting the recovery of carrying charges on nonrecurring regulatory commission expense permitted by the Rehearing Order.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rule 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.211. All such protests should be filed on or before June 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

*Lois D. Cashell,  
Secretary.*

[FR Doc. 92-13692 Filed 6-10-92; 8:45 pm]

BILLING CODE 6717-01-M

[Docket Nos. RS92-86-000, RP92-137-000, and RP92-108-000 (consolidated)]

**Transcontinental Gas Pipe Line Corporation, Filing**

June 4, 1992.

On May 26, 1992, Transcontinental Gas Pipe Line Corporation (Transco) filed a Filing to Determine Status under Order No. 636. Notice is hereby given that comments on Transco's filing are due on or before June 22, 1992.

*Lois D. Cashell,  
Secretary.*

[FR Doc. 92-13690 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA92-1-43-003]

**Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff**

June 4, 1992.

Take notice that Williams Natural Gas Company (WNG) on June 1, 1992, tendered the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1 to be effective May 1, 1992:

Substitute Ninth Revised Sheet No. 6  
Substitute Tenth Revised Sheet No.  
6A

Fourth Revised Sheet No. 260

WNG states that on February 28, 1992, it filed its annual purchased gas adjustment. The instant filing is being made in compliance with Ordering Paragraphs (D), (E), (F), and (G) of Commission order issued April 30, 1992 in Docket Nos. TA92-1-43-000, *et al.*

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before June 11, 1992. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-13685 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RS92-90-000]

**Wyoming Interstate Company, Ltd., Filing**

June 5, 1992.

On May 26, 1992, Wyoming Interstate Company, Ltd. (WIC) filed a Notification of Existing Compliance with Order No. 636 and Request to Limit Proceeding. Notice is hereby given that comments on WIC's filing are due on or before June 22, 1992.

Lois D. Cashell,  
Secretary.

[FR Doc. 92-13689 Filed 6-10-92; 8:45 am]

BILLING CODE 6717-01-M

**Office of Fossil Energy**

[FE Docket No. 92-07-NG]

**LEDCO, Inc.; Order Granting Blanket Authorization To Import and Export Natural Gas, Including Liquefied Natural Gas**

**AGENCY:** Office of Fossil Energy, DOE.  
**ACTION:** Notice of a order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice

that it has issued an order granting LEDCO, Inc. authorization to import and export up to a combined total of 200 Bcf of natural gas for a two-year period beginning on the date of first import or export delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, June 5, 1992.

Charles F. Vacek,

*Deputy Assistant Secretary for Fuels Programs Office of Fossil Energy.*

[FR Doc. 92-13792 Filed 6-10-92; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 92-13-NG]

**Selkirk Cogen Partners, L.P.; Application for Long-Term Authorization To Import Natural Gas From Canada**

**AGENCY:** Office of Fossil Energy, Department of Energy

**ACTION:** Notice of application for long-term authorization to import natural gas from Canada.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application filed by Selkirk Cogen Partners, L.P. (Selkirk) on February 5, 1992, as supplemented May 14, 1992, requesting authorization to import up to 55,000 Mcf of natural gas per day from Canada for a period of fifteen years. This gas would be used as fuel for a 252 megawatt (MW) cogeneration facility to be constructed at the General Electric Company Plastics Division (GE) manufacturing complex in Selkirk, New York. The new cogeneration plant would be located adjacent to an existing 79.9 MW cogeneration plant owned by Selkirk and is expected to be in commercial operation in June 1994.

The proposed imports would take place under three gas purchase agreements. The gas would be transported by Iroquois Gas Transmission System (Iroquois) from the U.S./Canada border near Waddington, New York, to the Tennessee Gas Pipeline Company (Tennessee) system. Tennessee would then deliver the gas to Selkirk's cogeneration plant. Construction of additional pipeline facilities would be required on these

two systems to transport the imported gas for Selkirk.

The application was filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

**DATES:** Protests, motions to intervene, or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, July 13, 1992.

**ADDRESSES:** Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Room 3F-056, FE-50, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478.

**FOR FURTHER INFORMATION CONTACT:**  
Stanley C. Vass, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9482  
Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6667.

**SUPPLEMENTARY INFORMATION:** Selkirk is a Delaware limited partnership whose principal office is located in Boston, Massachusetts. The proposed 252 MW cogeneration facility is the second phase of a project by Selkirk to construct sequentially two cogeneration units. Selkirk was authorized by DOE in DOE/FE Opinion and Order No. 447 (1 FE ¶ 70,375, November 15, 1990) to import Canadian natural gas to fuel the 79.9 MW unit. Selkirk states that Selkirk Cogen Partners II, L.P. (Selkirk II), also a Delaware limited partnership, is currently the developer of the second unit. However, Selkirk II will be merged with Selkirk prior to the construction of the second unit, leaving Selkirk as the surviving partnership and owner of both cogeneration facilities.

Under the import proposal to supply gas used by the second cogeneration unit, Makowski Selkirk, Inc. (Makowski), the general partner of Selkirk II, has entered into gas purchase contracts with ATCOR Ltd. (ATCOR), Esso Resources Canada (Esso), and PanCanadian Petroleum Limited (PanCanadian). Each contract has a primary term of fifteen years beginning on the date of the first firm delivery to the cogeneration facility. There is a provision in the contracts to extend the term by an additional five years, subject

to regulatory approvals. Interruptible deliveries may begin about six months earlier than firm deliveries to provide gas during the test phase of the cogeneration plant. These contracts will be assigned to Selkirk by Makowski when the two partnerships are merged. In view of the fact that the contracts will be assigned to Selkirk, references herein to the contracts will identify Selkirk.

The contract with ATCOR covers firm purchases of up to 17,000 Mcf of gas per day, and the contracts with Esso and PanCanadian each cover firm purchases of up to 19,000 Mcf per day. All of the gas to be purchased under these contracts would be delivered at the Alberta/Saskatchewan border at Empress, Alberta. Selkirk is responsible for paying the transportation charges on TransCanada Pipelines Limited's system from Empress to the Iroquois system at the international border at Waddington, New York and for the transportation in the United States.

All three contracts require Selkirk to purchase a minimum annual quantity equal to 75 percent of the sum of the maximum daily contract quantities (MDQ). If Selkirk, for reasons other than force majeure, takes less than the minimum amount and does not make up the deficiency in the following two consecutive contract years, then Atcor and PanCanadian may reduce proportionately the MDQ for the remainder of their contract terms. Esso may permanently reduce the MDQ if Selkirk does not make up the deficiency after one contract year.

The price of the imported gas under the ATCOR agreement consists of a two-part demand charge and a commodity charge. The first component of the demand charge is equal to the monthly transportation charges on the pipeline system of Nova Corporation of Alberta to Empress. The second component is a fixed monthly charge equal to \$0.15 per MMBtu times one-twelfth of the minimum annual quantity, but is subject to retroactive readjustment following any year in which the cogeneration facility operates at less than 75 percent of its rated capacity.

The commodity price paid by Selkirk to ATCOR at Empress, Alberta, also has two parts covering two different tiers of purchase volumes. Tier 2 volumes may be nominated up to the MDQ on any day, but may not exceed 25 percent of the sum of the MDQs in any contract year. The Tier 1 commodity charge, applicable to Tier 1 volumes, is equal to a base price (initially \$1.60 per MMBtu) adjusted monthly according to an index price reflecting the weighted average cost of fuel oil and natural gas used in

New York, less \$0.15 per MMBtu. Either party may require renegotiation of the Tier 1 commodity rate and the adjustment formula in the fifth, eighth, and eleventh contract years (and in the fourteenth and seventeenth contract years if the agreement is extended.) Renegotiation is intended to yield a delivered price in New York State that is comparable to and competitive with the delivered price of major competing energy supplies. The gas included as a major competing energy supply would be long-term firm supplies sold to local distribution companies and electric power generation customers in New York. The Tier 2 commodity charge, applicable to all volumes purchased under Tier 2, would be negotiated each month or, failing agreement by Selkirk and ATCOR, set at the adjusted base price level.

The price provisions of the Esso and PanCanadian contracts are similar to those in the ATCOR contract. However, the fixed monthly charge component of the demand charge under the Esso and PanCanadian contracts is \$0.30 per MMBtu (instead of \$0.15) times one-twelfth of the minimum annual quantity. In addition, the commodity charge for Tier 1 volumes (or "contract price volumes" in the PanCanadian contract) is equal to the adjusted base price (initially \$1.70 per MMBtu) less \$0.30 per MMBtu.

Based on the foregoing contractual terms, Selkirk estimates that if this gas was delivered in May 1992, the price at the U.S./Canada border under the ATCOR contract would be \$ U.S. 2.52/MMBtu. The border price under the Esso and PanCanadian contracts would be \$ U.S. 2.56/MMBtu.

The contracts contain supply assurance provisions. ATCOR is obligated to maintain a remaining reserves-to-production ratio greater than or equal to the number of contract years remaining in the agreement. Esso is required to provide a gas supply and deliverability report acceptable to Selkirk. PanCanadian is obligated to give Selkirk a copy of its annual reserves assessments prepared by the Alberta Energy Resources Conservation Board in connection with PanCanadian's removal permits. Further, warranty provisions require ATCOR, Esso, and PanCanadian to compensate Selkirk for additional costs incurred if it becomes necessary to obtain alternative supplies of gas for quantities nominated but not delivered.

In support of the application, Selkirk states that each of the gas purchase agreements entered into by Makowski is flexible with respect to both price and volumes. In Selkirk's view, the

provisions regarding the pricing structure and renegotiation and arbitration would ensure that this Canadian gas would remain competitive with the cost of competing fossil fuels and other gas supplies in the State of New York over the life of the contracts. Further, Selkirk asserts that the quantity of gas is needed and supported by supply sources of demonstrated reliability.

The decision on Selkirk's application for import authority will be made consistent with DOE's natural gas import policy guidelines under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In the case of a long-term arrangement such as this, other matters that will be considered in making the public interest determination including need for the gas and security of supply as set forth in the policy guidelines. Selkirk asserts that this proposed import is in the public interest because it would be competitive, the gas is needed, and the natural gas supply is secure. Parties opposing the proposed import arrangement bear the burden of overcoming these assertions.

#### NEPA Compliance

The National Environmental Policy Act (NEPA), 42, U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

#### Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulation in 10 CFR part 590.

Protests, motions to intervene, notices of intervention, and written comments should be filed with the Office of Fuels Programs at the address listed above.

It is intended that a decisional record on the application will be developed through response to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference should materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all

parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Selkirk's application is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on June 5, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-13793 Filed 6-10-92; 8:45 am]

BILLING CODE 6450-01-M

**[Docket No. FE C&E 92-09; Certification Notice—102]**

**Notice of Filing Certification of Compliance: Coal Capability of New Electric Powerplant**

**AGENCY:** Office of Fossil Energy, Department of Energy.

**ACTION:** Notice of filing.

**SUMMARY:** Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*),

provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (FUA section 201(a), 42 U.S.C. 8311 (a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self-certification in accordance with section 201(d).

Further information is provided in the **SUPPLEMENTARY INFORMATION** section below.

**SUPPLEMENTARY INFORMATION:** The following company has filed a self-certification:

Name	Date received	Type of facility	Megawatt capacity	Location
EEA III, L.P., Bayonne Cogeneration Project, Arlington, VA	05-23-92	Combined Cycle	150	Hudson County, NJ.

Amendments to the FUA on May 21, 1987 (Pub. L. 100-42), altered the general prohibitions to include only new electric base load powerplants and to provide for the self-certification procedure.

This self-certification may be reviewed in the Office of Fuels Programs, Fossil Energy, room 3F-056, FE-52, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, or for further information call Myra Couch at (202) 586-6769.

Issued in Washington, DC on June 5, 1992.

Charles F. Vacek,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 92-13794 Filed 6-10-92; 8:45 am]

BILLING CODE 6450-01-M

**ENVIRONMENTAL PROTECTION AGENCY**

**[AMS-FRL-4142-8]**

**California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption, Decision**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of waiver of Federal preemption.

**SUMMARY:** EPA is granting a waiver of Federal preemption to the State of California under section 209(b) of the Clean Air Act, as amended, 42 U.S.C. 7543(b). This waiver allows California to enforce its standards and test procedures for the certification of new heavy-duty motor vehicles and motor vehicle engines fueled with compressed

natural gas (CNG) or liquified petroleum gas (LPG) (collectively referred to as gaseous fuels).

**ADDRESSES:** A copy of the above standards and procedures, the decision document containing an explanation of the Administrator's determination, and the record of those documents used in arriving at this determination are available for public inspection under Docket No. A-90-34. Interested persons may inspect the docket during the working hours of 8:30 a.m. to 12 p.m. and 1:30 p.m. to 3:30 p.m. at the Environmental Protection Agency, Air Docket (LE-131), room M-1500, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

Copies of the decision can also be obtained from EPA's Manufacturers Operations Division by contacting Bruce Fergusson, as noted below.

**FOR FURTHER INFORMATION CONTACT:**  
Bruce Fergusson, Attorney/Advisor,  
Manufacturers Operations Division  
(EN-340F), U.S. Environmental  
Protection Agency, 401 M Street SW.,  
Washington, DC 20460. Telephone: (202)  
260-9423.

**SUPPLEMENTARY INFORMATION:** Pursuant to 209(b) of the Clean Air Act, as amended, 42 U.S.C. 7543(b) (Act), I have decided to grant a waiver of Federal preemption to the State of California. This waiver allows California to enforce its standards and test procedures for the certification of new heavy-duty motor vehicles and motor vehicle engines fueled with compressed natural gas or liquefied petroleum gas. The standards and test procedures apply to new 1990 and later model year heavy-duty gaseous-fueled motor vehicles and motor vehicle engines.

By letter dated September 7, 1990, the California Air Resources Board (CARB) submitted to the U.S. Environmental Protection Agency (EPA) a request for waiver of Federal preemption to enforce certain amendments to its heavy-duty motor vehicle and motor vehicle engine emission control program.<sup>1</sup>

These amendments:

(1) Amend the existing California heavy-duty Otto-cycle (gasoline) and diesel-cycle emission standards and test procedures to make them applicable to heavy-duty motor vehicles and motor vehicle engines fueled by CNG and LPG beginning with the 1990 model year;

(2) Establish an optional nonmethane hydrocarbon (NMHC) standard for heavy-duty motor vehicles and motor vehicle engines to which a manufacturer could choose to certify in lieu of the existing total hydrocarbon (THC) standard;

(3) Incorporate appropriate fuel specifications for both compressed natural gas and liquefied petroleum gas. The specifications would apply to fuel used for both emission testing and durability service accumulation;

(4) Establish particulate averaging criteria for heavy-duty gaseous-fueled motor vehicles and motor vehicle engines;

(5) Establish appropriate exhaust emission sampling and calculation procedure for heavy-duty gaseous-fueled motor vehicles and motor vehicle engines;

(6) Amend the existing "California Motor Vehicle Emission Control Label Specifications" to make it applicable to gaseous-fueled motor vehicles and motor vehicle engines;

(7) Make other minor amendments to the existing regulations in order to correct, clarify or make them consistent with applicable Federal regulations.

On June 11, 1991, EPA published a notice of opportunity for a public hearing and a request for written comments concerning CARB's request.<sup>2</sup> EPA did not receive a request for a hearing, but did receive a joint comment from two interested trade associations, which has been addressed in the Decision Document. This determination is thus based on CARB's written submissions, the written comments received by EPA, and all other relevant information.<sup>3</sup>

Section 209(b) of the Act provides that, if certain criteria are met, the Administrator shall waive Federal preemption for California to enforce new motor vehicle emission standards and accompanying enforcement procedures. The criteria include consideration of whether California arbitrarily and capriciously determined that its standards are, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards; whether California needs the State standards to meet compelling and extraordinary conditions; and whether California's amendments are consistent with section 202(a) of the Act. As previous decisions granting waivers of Federal preemption have explained, State standards are inconsistent with section 202(a) if there is inadequate lead time to permit the development of the necessary technology given the cost of compliance within that time period or the Federal and State test procedures impose inconsistent certification requirements.<sup>4</sup>

CARB has made a determination that its proposed standards are, in the aggregate, at least as protective of public health and welfare as applicable Federal standards.<sup>5</sup> This conclusion is based on the lack of Federal standards for gaseous-fueled motor vehicles and motor vehicle engines. No comments were received that criticized CARB's protectiveness determination for these standards. Therefore, based on the record before me, I find that CARB's amendments do not undermine its determination that its State standards are, in the aggregate, at least as protective of public health and welfare as applicable standards.

CARB has repeatedly demonstrated the existence of compelling and

extraordinary conditions in California justifying the need for its own motor vehicle pollution control program.<sup>6</sup> In its letter requesting this waiver, CARB stated that California continues to experience serious air pollution problems, unique to the State, which justify the need for its own motor vehicle emission control program.<sup>7</sup> Based on previous showings by California in this regard, CARB's submission to the record, and the absence of any public comments questioning the need for CARB's own motor vehicle pollution control program, I agree that California continues to face the requisite compelling and extraordinary conditions. Thus, I cannot deny the waiver request on the basis of a lack of compelling and extraordinary conditions.

CARB has submitted information demonstrating that the requirements of its emissions standards and test procedures are consistent with section 202(a) of the Act. CARB stated its finding that the emission standards are technologically feasible within the lead time provided considering the costs of compliance because the appropriated technology enabling vehicles and engines to meet these standards is widely available. No one submitted data or other evidence sufficient to satisfy its burden of persuading EPA that the standards are not technologically feasible within the available lead time, considering the costs. With regard to certification, because there are no Federal standards and procedures for gaseous-fueled motor vehicles and motor vehicle engines, a manufacturer will not need to be concerned about inconsistent certification requirements. Therefore, I cannot find that California's amendments will be inconsistent with section 202(a) of the Act. Accordingly, I hereby grant the waiver requested by California.

This waiver of Federal preemption will affect not only persons in California but also manufacturers outside the State who must comply with California's requirements. As a result, I find that this determination is a final agency action of national applicability. Judicial review of this determination is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia within 60 days of publication. Under section 307(b)(2) of the Act, the requirements that are the subject of today's notice may not be challenged later in judicial proceedings

<sup>1</sup> 56 FR 26817 (June 11, 1991).

<sup>2</sup> All this information is contained in Docket A-90-34.

<sup>3</sup> See e.g., 43 FR 32182 (July 25, 1978).

<sup>4</sup> CARB Resolution 89-79 at p. 3 (September 15, 1989).

<sup>5</sup> See e.g., 49 FR 18887, 18890-91 (May 31, 1984).

<sup>6</sup> See letter from James D. Boyd, Executive Officer, CARB, to William K. Reilly, Administrator, EPA, at p. 4, dated September 7, 1990.

brought by EPA to enforce these requirements.

This determination is not a rule as defined by section 1(a) of Executive Order 12291, 46 FR 13193 (February 12, 1981). Therefore, it is exempt from review by the Office of Management and Budget. Nor is it necessary to prepare a Regulatory Impact Analysis under Executive Order 12291.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a regulatory flexibility analysis which addresses the impact of its action on small business entities.

Finally, the Administrator has delegated the authority to make determinations on waivers of Federal preemption under section 209(b) of the Act to the Assistant Administrator for Air and Radiation.

Dated: June 5, 1992.

Michael Shapiro,

Acting Assistant Administrator.

[FR Doc. 92-13774 Filed 6-10-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4142-9]

#### Grand Canyon Visibility Transport Commission; Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of meeting.

**SUMMARY:** The United States Environmental Protection Agency is announcing a meeting of the Grand Canyon Visibility Transport Commission to be held on June 21, 1992. The Commission was established on November 13, 1991 (see 56 FR 57522 (November 12, 1991)) under section 169B of the Clean Air Act Amendments of 1990 (Act). The primary purposes of this meeting are for the Commission to be presented with a revised draft workplan prepared by the Grand Canyon Visibility Transport Commission Operations Committee and for the Commission to decide upon the organization of a public advisory committee. This meeting is not subject to the provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended.

**DATES:** The meeting will be held on June 21, 1992 from 2-3:45 p.m.

**ADDRESSES:** The meeting will be held at the Jackson Lake Lodge, Buffalo Room, Grand Teton National Park, Highway 80, Moran, Wyoming.

#### FOR FURTHER INFORMATION CONTACT:

James M. Souby, Executive Director, Western Governors' Association, 600

17th Street, Suite 1705 South Tower, Denver, Colorado 80202. Phone number (303) 623-9378.

**SUPPLEMENTARY INFORMATION:** The Commission is charged with assessing currently available studies and information pertaining to visibility impairment at the Grand Canyon National Park from sources in the transport region (including potential or projected growth) and is to issue a report to U.S. EPA within four years recommending what measures, if any, should be taken under the Act to remedy such impairment. The Administrator of EPA has used his broad discretionary authority under section 169B of the Act to expand the scope of the Commission to include additional class I areas in the vicinity of Grand Canyon National Park—what is sometimes referred to as the “Golden Circle” of parks and wilderness areas. This includes most of the national parks and wilderness areas of the Colorado Plateau. The Administrator established the visibility transport region to include all or part of the following States: Arizona, California, Colorado, New Mexico, Nevada, Oregon, and Utah, and invited the Governors of those States or their designees to participate as members of the Commission. The Administrator also invited the Chief of the U.S. Forest Service and the Directors of the Bureau of Land Management, U.S. Fish and Wildlife Service and National Park Service to represent their Federal agencies on the Commission.

Dated: June 3, 1992.

Daniel W. McGovern,

Regional Administrator, U.S. Environmental Protection Agency, Region 9.

David P. Howekamp,

Acting Regional Administrator.

[FR Doc. 92-13771 Filed 6-10-92; 8:45 am]

BILLING CODE 6560-50-M

#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### Information Collection Submitted to OMB for Review

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

**SUMMARY:** The submission is summarized as follows:

**Type of Review:** Extension of expiration date without any change in substance or method of collection.

**Title:** Application for a Merger or Other Transaction Pursuant to section 18(c) of the Federal Deposit Insurance Act (Phantom or Corporate Reorganization).

**Form Number:** FDIC 6220/07.

**OMB Number:** 3064-0015.

**Expiration Date of OMB Clearance:**

August 31, 1992.

**Frequency of Response:** On occasion.

**Respondents:** Insured nonmember banks who apply for FDIC approval to effect a merger transaction for the principal purpose of corporate reorganization.

**Number of Respondents:** 200.

**Number of Responses Per Respondent:**  
1.

**Total Annual Responses:** 200.

**Average Number of Hours Per Response:** 20.

**Total Annual Burden Hours:** 4,000.

**OMB Reviewer:** Gary Waxman, (202) 395-7340, Office of Management and Budget, Paperwork Reduction Project 3064-0015, Washington, DC 20503.

**FDIC Contact:** Steven F. Hanft, (202) 898-3907, Office of the Executive Secretary, room F-400, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

**Comments:** Comments on this collection of information are welcome and should be submitted on or before August 10, 1992.

**ADDRESSES:** A copy of the submission may be obtained by calling or writing the FDIC contact listed above.

Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

**SUPPLEMENTARY INFORMATION:** The FDIC is requesting OMB approval to extend the use of application form FDIC 6220/07, which is used by FDIC-supervised banks who apply for FDIC approval to effect a merger transaction under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)). This type of transaction involves a phantom bank merger or other merger transaction for the principal purpose of corporate reorganization. The application form requires the applicant to furnish information concerning the terms and conditions of the merger, structure of the transaction, and a statement of condition of recent date for the applicant and the other institution. The information collected on the form is used by the FDIC as a basis for evaluating certain factors as required by section 18(c) of the FDI Act before approving the application.

Dated: June 5, 1992.

Federal Deposit Insurance Corporation.  
Hoyle L. Robinson,  
Executive Secretary.  
[FR Doc. 92-13710 Filed 6-10-92; 8:45 am]  
BILLING CODE 6714-01-M

## FEDERAL RESERVE SYSTEM

### BankAmerica Corporation; Application to Acquire a Savings and Loan Holding Company

BankAmerica Corporation, San Francisco, California ("Applicant"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(2) of the Board's Regulation Y (12 CFR 225.23(a)(2)), to acquire 100 percent of the outstanding voting shares of H.F. Holdings, Inc., Marina del Rey, California ("Company"). Company is a savings and loan holding company which engages indirectly in permissible and impermissible nonbanking activities. Applicant has committed to divest or terminate all impermissible nonbanking activities of Company consistent with Board policy.

Specifically, Applicant proposes to acquire the following indirectly held subsidiaries of Company:

(1) HonFed Bank, a Federal Savings Bank, Honolulu, Hawaii ("HonFed"), a federal savings bank which may be acquired by a bank holding company pursuant to 12 CFR 225.25(b)(9) (HonFed Bank will be merged into Bank of America, Federal Savings Bank, Portland, Oregon);

(2) HonFed Financial Services Corporation, Honolulu, Hawaii, a wholly owned interim holding company of HonFed which serves solely as the holding company for First Collateral Services, Inc.;

(3) First Collateral Services, Inc., Honolulu, Hawaii, a company which is engaged in origination of mortgage warehouse lines of credit which is permissible for bank holding companies pursuant to 12 CFR 225.25(b)(1);

(4) H.F. Mortgage, Inc., Honolulu, Hawaii, a company which is engaged in making, acquiring, servicing, and collecting mortgage loans which is permissible for bank holding companies pursuant to 12 CFR 225.25(b)(1);

(5) SLH, Inc., Honolulu, Hawaii, a company which is engaged in operating an electronic funds transfer system which is permissible for bank holding companies pursuant to 12 CFR 225.25(b)(7);

(6) Honvest Corporation, Honolulu, Hawaii, a wholly owned interim holding company of HonFed which serves as the holding company for six subsidiaries

of HonFed; owns a 50 percent interest in Healani Ventures (a general partnership in the process of liquidation); has previously conducted certain real estate subdivision, development, and management activities; and has previously conducted real estate agency, brokerage, fiduciary, and rental agency activities (all impermissible activities of Honvest Corporation will be terminated prior to consummation or will be acquired subject to commitments to divest or cease the impermissible activities);

(7) Honofed Development Corporation, Honolulu, Hawaii, a company which is engaged in real estate development through its wholly owned subsidiaries, Honofed Bel Mar Corporation and Honofed Ben Lomond Corporation, and through a 50 percent interest in Bel Mar Estates (the real property indirectly held by Honofed Development Corporation will be either transferred to HFH Partners, a partnership to be formed by the present stockholders of Company, or will be held for sale with all further development activity halted);

(8) Honofed Bel Mar Corporation, Honolulu, Hawaii, a company which was previously engaged in real estate development activities (Applicant does not intend to continue these real estate development activities, and the indirect interest that Honofed Bel Mar Corporation has in two real properties will either be sold or distributed to HFH Partners prior to closing);

(9) Bel Mar Estates, a California general partnership (consisting of Honofed Development Corporation and Honofed Bel Mar Corporation) which owns a three acre parcel of undeveloped property in California and holds a 12 percent limited partner's interest in a limited partnership which is developing certain residential property in California (the three acre parcel of land that Bel Mar Estates holds will either be sold or transferred to HFH Partners prior to closing, and the limited partnership interest that it holds will be transferred to HFH Partners prior to closing);

(10) Honofed Ben Lomond Corporation, Honolulu, Hawaii, a company which is engaged in holding a mortgage which is permissible for bank holding companies pursuant to 12 CFR 225.25(b)(1), and which holds 51 percent of North Ogden Center;

(11) North Ogden Center, North Ogden, Utah, a partnership (51 percent is held by Honofed Ben Lomond Corporation and 49 percent is held by unrelated parties) which owns a 10 acre parcel of land in Utah (if the 10 acre parcel of land held by North Ogden Center is not sold before closing,

Honofed Development Corporation and Honofed Ben Lomond Corporation will be acquired subject to an appropriate divestiture commitment);

(12) Weber Mortgage Corporation, North Ogden, Utah, a company which is engaged in holding and servicing loans which is permissible for bank holding companies pursuant to 12 CFR 225.25(b)(1);

(13) Honofed Insurance, Inc., Honolulu, Hawaii, a company which is engaged in acting as an agent and/or broker of insurance products, specifically credit life and credit disability insurance, and fixed rate annuities which is permissible for bank holding companies pursuant to 12 CFR 225.25(b)(8) (any impermissible activities conducted by Honofed Insurance, Inc. will be terminated within an appropriate time frame);

(14) Tel-Tec Hawaii, Inc., Honolulu, Hawaii, a company which buys, sells, leases, services, and repairs electronic equipment (any impermissible activities of Tel-Tec Hawaii, Inc. will be terminated or Tel-Tec Hawaii, Inc. will be divested within an appropriate time frame);

(15) HFSL Corporation, Honolulu, Hawaii, a company which holds for sale a masterlease in a Honolulu office building and subleases space under that masterlease, and which has conducted real property subdivision and development, rentals, commercial property development and investment, and investment and development of multifamily housing units (if the masterlease is not first sold, the masterlease or the stock of HFSL Corporation will be contributed to HFH Partners prior to closing);

(16) Advanced Computer Systems Corporation, Honolulu, Hawaii, a company which is inactive, is in the process of being dissolved, and has only one asset consisting of \$160,000 in cash; and

(17) HFB Securities, Inc., Honolulu, Hawaii, a company which serves as a securities, insurance, and investment products broker and dealer (HFB Securities, Inc. is not active and will not commence any activity prior to closing and without prior approval from the Federal Reserve System). Applicant proposes to conduct certain of these activities indirectly on a nationwide basis.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or

managing or controlling banks as to be a proper incident thereto." Applicant believes that these proposed activities are "so closely related to banking or managing or controlling banks as to be a proper incident thereto."

The Board has previously determined that certain of the above companies which Applicant proposes to acquire are engaged in activities closely related to banking and permissible for bank holding companies as indicated. Applicant has also committed to divest or terminate those activities of Company which are not permissible for bank holding companies as more fully described in the application.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than June 26, 1992. Any request for a hearing must, as required by section 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how that party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco.

Board of Governors of the Federal Reserve System, June 5, 1992.

Jennifer J. Johnson,  
Associate Secretary of the Board.

[FR Doc. 92-13727 Filed 6-10-92; 8:45 am]

BILLING CODE 6210-01-F

#### **Bankers Trust New York Corporation, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 6, 1992.

**A. Federal Reserve Bank of New York**  
(William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

*1. Bankers Trust New York Corporation*, New York, New York; to engage *de novo* in investing as a limited partner in New York Equity Fund 1992 Limited Partnership, which will supply equity financing to qualified low-income housing improvement projects and related facilities expected to be located predominantly in the New York City area, pursuant to § 225.25(b)(6) of the Board's Regulation Y. Comments on this application must be received by June 25, 1992.

**B. Federal Reserve Bank of Cleveland**  
(John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

*1. Mellon Bank Corporation*, Pittsburgh, Pennsylvania; to engage *de novo* through its subsidiary, Pareto Partners, London, England, in providing investment or financial advice, providing foreign exchange advisory and transactional services, and providing investment advice on financial futures and options on futures to clients throughout the world, pursuant to §§ 225.25(b)(4), (17), and (19) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 5, 1992.

Jennifer J. Johnson,  
Associate Secretary of the Board.

[FR Doc. 92-13728 Filed 6-10-92; 8:45 am]  
BILLING CODE 6210-01-F

#### **Conrad N. Freeman, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 1, 1992.

**A. Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

*1. Conrad N. Freeman*, Morris, Minnesota; to acquire an additional 3.09 percent, for a total of 62.63 percent, of the voting shares of Morris State Bancorporation, Inc., Morris, Minnesota.

**B. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

*1. Larry Rierson and Catherine Rierson*, Clovis, New Mexico; to acquire an additional 3.23 percent, for a total of 13.03 percent, of the voting shares of Western Bancshares of Clovis, Inc., Carlsbad, New Mexico, and thereby indirectly acquire Western Bank of Clovis, Clovis, New Mexico.

Board of Governors of the Federal Reserve System, June 5, 1992.

Jennifer J. Johnson,  
Associate Secretary of the Board.

[FR Doc. 92-13730 Filed 6-10-92; 8:45 am]  
BILLING CODE 6210-01-F

#### **Mid Am, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities**

The organizations listed in this notice have applied under § 225.23(a)(2) or (f)

of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than July 6, 1992.

**A. Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mid Am, Inc.*, Bowling Green, Ohio; to acquire Ultra Bancorp, Xenia, Ohio, and its wholly-owned subsidiary, Home Federal Savings Bank, Xenia, Ohio, and thereby engage in the operation of the target institution, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *SouthTrust Corporation*, Birmingham, Alabama, and SouthTrust of South Carolina, Inc., Charleston, South Carolina; to acquire Carolina Financial Corporation, Charleston, South Carolina, and thereby indirectly acquire Home Federal Savings Bank,

Charleston, South Carolina. Home Federal Savings Bank will then be merged with and into SouthTrust of South Carolina's bank subsidiary, SouthTrust Bank of Charleston, N.A., Charleston, South Carolina, pursuant to section 5(d)(3) of the Federal Deposit Insurance Act, as amended by the Federal Deposit Insurance Corporation Improvement Act of 1991.

Board of Governors of the Federal Reserve System, June 5, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-13729 Filed 6-10-92; 8:45 am]

BILLING CODE 6210-01-F

#### **ONBANCORP, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 6, 1992.

**A. Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *ONBANCORP, Inc.*, Syracuse, New York; to acquire 100 percent of the voting shares of The Merchants National Bank & Trust Company of Syracuse, Syracuse, New York, and Union National Bank, Albany, New York.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Bank Corporation of Georgia*, Macon, Georgia; to acquire 100 percent of the voting shares of First South Bank of Jones County, N.A. (in organization), Gray, Georgia, First South Bank of Ben Hill County, N.A. (in organization), Fitzgerald, Georgia, and First South Bank of Coweta County, N.A. (in organization), Newnan, Georgia, all *de novo* banks.

**C. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Jones Bancorp, Inc.*, Marcellus, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of G.W. Exchange Bank, Marcellus, Michigan.

**D. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Stockgrowers State Banc Corporation*, Ashland, Kansas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Stockgrowers State Bank, Ashland, Kansas.

**E. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *U B & T Holding Co.*, Abilene, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of United Bank & Trust, Abilene, Texas.

Board of Governors of the Federal Reserve System, June 5, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-13731 Filed 6-10-92; 8:45 am]

BILLING CODE 6210-01-F

#### **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

##### **Draft Section 504 Self-Evaluation Report**

**AGENCY:** Department of Health and Human Services (HHS).

**ACTION:** Notice of 504 Self-Evaluation; request for comments.

**SUMMARY:** The Department of Health and Human Services is evaluating its current policies and practices to ensure that discrimination against individuals with handicaps does not occur in its programs and activities. This evaluation is being conducted to comply with the Department's regulation concerning Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Health and Human Services, 45 CFR

part 85 that requires the Department to perform this self-evaluation and to permit interested parties to participate in the process. Accordingly, this notice summarizes the results of the Department's self-evaluation to date and requests public comment from interested parties concerning that evaluation or any aspect of Department policies and practices with respect to individuals with handicaps.

**DATES:** Comments must be received on or before August 10, 1992.

**ADDRESSES:** Written comments should be addressed to Edward Mercado, Director, Office for Civil Rights, 330 Independence Avenue, SW., Washington, DC 20201. The

Department's self-evaluation to date and all comments received will be available for public inspection in the Department's Office for Civil Rights, room 5525, at the above address, between the hours of 10 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:**

James Hood, phone (202) 619-1234 (voice) or (202) 863-0101 (TDD).

**SUPPLEMENTARY INFORMATION:** Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of handicap by recipients of Federal financial assistance. In 1978, Congress amended the Rehabilitation Act, and expanded the coverage of section 504 to programs and activities conducted by the Federal Government itself. The rationale was that the Federal Government should have the same Section 504 obligations as the recipients of Federal financial assistance.

HHS published its final regulation to implement the 1978 amendments, codified as 45 CFR part 85, on July 8, 1988, effective September 6, 1988. The implementing regulation prohibits the Department from discriminating against otherwise qualified individuals with handicaps on the basis of handicap in all of its operations, except for certain overseas activities. Part 85 extends to the Department's interaction with members of the public and its treatment of program applicants, participants and beneficiaries.

In order to acquaint the reader with the full scope of programs and activities conducted by the Department, a brief description of the relevant programs/activities is provided under each component heading. Each HHS component discussed in this notice:

1. Occupies facilities that the public may have occasion to visit,

2. Engages in written and oral communication with the public, and

3. Hires Federal employees.

The DHHS Operating Divisions are:

The Office of the Secretary (OS)—No major operating programs or activities conducted directly.

OS contains the following Staff Divisions:

Assistant Secretary for Management and Budget

Assistant Secretary for Personnel Administration

Assistant Secretary for Planning and Evaluation

Assistant Secretary for Legislation

Assistant Secretary for Public Affairs

Office of the Inspector General

Office of the General Counsel

Office for Civil Rights

Administration for Children and Families (ACF)—No major operating programs or activities conducted directly.

Administration on Aging (AOA)—

Directly operates programs including community-based services and promotes personal and economic independence of all older people.

Public Health Service (PHS)—Directly operates programs including the Indian Health Service, and intramural research conducted by the National Institutes of Health.

Health Care Financing Administration (HCFA)—Directly operates the Medicare program.

Social Security Administration (SSA)—Directly operates the Old Age, Survivors, and Disability Insurance, and Supplemental Security Income for the Aged, Blind, and Disabled programs.

U.S. Office of Consumer Affairs (USOCA) is responsible for directing all consumer affairs activities at the Federal level. USOCA's major activities focus on voluntary mechanisms, marketplace innovations, consumer education/information and conferences.

Although the Department's employment program is subject to section 504 under 45 CFR 85.31, the Department has not included a detailed review of its employment practices as part of this report. The Department is subject to the requirements and procedures of section 501 of the Rehabilitation Act of 1973, as amended. Section 501 requires the Department to hire and advance in employment, qualified individuals with handicaps. The Equal Employment Opportunity Commission (EEOC) has established detailed regulations to implement section 501 at 29 CFR part 1613. The EEOC's section 501 program includes affirmative action requirements that go beyond the nondiscrimination requirements of section 504. The

Department does not believe that a detailed review of its employment practices is necessary in light of its compliance with its section 501 responsibilities. However, some aspects of employment are mentioned in this notice since some aspects of program accessibility are inseparable from accessibility required for employment.

Also, because of the very large number of facilities, over 2500, used by the Department throughout the United States, including its territories and possessions, the Department has not examined each separate facility to determine accessibility. Any specific information persons may have regarding accessibility problems in facilities used by the Department, will be helpful in determining the steps needed to improve accessibility. All nonemployment-related complaints filed under Part 85 should be sent to the OCR regional office responsible for the State in which the complaint originated. (See Appendix A for a listing of regional offices). Responsibility for the acceptance, investigation, and the rendering of decisions with respect to employment complaints is vested in the EEO program managed by the Assistant Secretary for Personnel Administration.

The purpose of this notice is to provide an opportunity for individuals with handicaps, organizations representing individuals with handicaps, and other interested persons to review the Department's self-evaluation documents, and to provide oral and written comments. This notice announces the availability of the Self-Evaluation Report and contains a summary of the steps that the Department has taken to undergo its self-evaluation. The Department believes that public involvement in the self-evaluation process is not only valuable, but is essential to the effective and efficient implementation of section 504. The Department will consider revisions to the draft report based on the comments received as well as any further evaluations performed by the Department's component agencies between now and the end of the comment period.

The Department of Health and Human Services (HHS) was renamed from the Department of Health, Education and Welfare on October 17, 1979, because of the creation of the Department of Education. The primary mission of HHS is to serve as the Federal Government's principal agency for furthering the good health of Americans and to provide them with essential human services. The more than 300 programs administered by

HHS vary greatly in size, type, facilities used, and their respective missions.

The Department is administered by the Secretary of HHS, who carries out the functions of the Department through the Office of the Secretary and five operating Divisions. The operating Divisions are: the Social Security Administration, the Health Care Financing Administration, the Administration for Children and Families, the Public Health Service, and the Administration on Aging.

Ten regional offices are maintained by the Department. These offices are located in Boston, New York, Philadelphia, Atlanta, Chicago, Kansas City, Dallas, Denver, San Francisco, and Seattle. Heading these and various associated field offices are Regional Directors who administer Department programs at the regional level and maintain a liaison with the public, special interest groups, governors, mayors and various State and local officials. The Regional Director also serves as the key PHS representative in the region.

#### Implementing Section 504, Part 85

HHS published its final regulation to implement the 1978 amendments, codified as 45 CFR part 85, on July 8, 1988, effective September 6, 1988. This regulation requires that HHS operate all of its programs and activities to ensure nondiscrimination against qualified individuals with handicaps. The regulation sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition of individual with handicaps and qualified individual with handicaps, and established a complaint mechanism for resolving allegations of discrimination against HHS.

Responsibility for coordinating the self-evaluation process was delegated to the HHS Office for Civil Rights (OCR). OCR will provide ongoing assistance to component agencies to review their programs and take the necessary steps to ensure that the agencies' programs are accessible to individuals with handicaps. Accordingly, OCR developed and secured approval for an action plan requiring that the head of each major organizational unit in the Department designate a staff person to work with OCR in this effort. OCR disseminated guidance that included a suggested self-evaluation format developed by the Department of Justice (DOJ). (DOJ has government-wide coordination authority under Section 504.) In addition, DOJ developed a facility review form that was distributed by OCT in order to evaluate the physical accessibility of facilities housing HHS programs and

activities. Input from all major organizational units of the Department was requested.

Based on the OCR analysis of the reports submitted by the HHS components, few, if any, problems identified in the self-evaluation report on file, represent substantial program accessibility concerns. However, where potential problems were identified by a component, the report indicates what modifications will be made to improve program accessibility. The report is a detailed summary of the results of the various self-evaluations and facility reviews conducted by each component.

#### Report Conclusion

The results of the Department's section 504, Part 85 Self-Evaluation Study, based on information analyzed, indicate a strong commitment to the nondiscriminatory operation of HHS programs and activities. Findings emanating from the study were extensive. Also, the process of the study itself served to heighten the awareness and sensitivity of HHS staff to its section 504 responsibilities.

Most of HHS policies, practices, and facilities were found to meet section 504 program accessibility standards. However, there were those which required further study or corrective action. For example, HHS has established policies and procedures to help ensure the availability of readers and interpreters for qualified individuals with handicaps. While, on the other hand, some of the Department's vacancy announcements and job descriptions contain language that could possibly be discriminatory against persons with handicaps. Overall Department operations will be monitored by the HHS Office of Civil Rights for improvement and compliance with the requirements of the section 504, part 85 Regulation.

HHS views the Section 504 Self-Evaluation Study as an ongoing process. Accordingly, HHS components are encouraged (and obligated when a new division is formed) to conduct similar studies in the future. The primary objective of these studies will continue to focus on enhancing the accessibility of all HHS programs and activities to qualified individuals with handicaps.

Dated: April 20, 1992.

**Edward Mercado,**  
*Director, Office for Civil Rights.*

Approved: June 3, 1992.

**Louis W. Sullivan,**  
*Secretary.*

[FR Doc. 92-13739 Filed 6-10-92; 8:45 am]

BILLING CODE 4150-04-M

#### Agency for Toxic Substances and Disease Registry

[Program Announcement Number 215]

#### The Great Lakes Research Program; Availability of Funds for Fiscal Year 1992

##### Introduction

The Agency for Toxic Substances and Disease Registry (ATSDR) announces that grant applications will be accepted to conduct research on the impact on human health of fish consumption in the Great Lakes region. ATSDR's mission includes the prevention of adverse health effects resulting from human exposure to hazardous substances in the environment. The ATSDR Great Lakes Research Program will focus on populations which have been identified to have a higher risk of long-term adverse health effects from exposure to contaminants in Great Lakes fish, i.e., Native Americans, sport anglers, urban poor, and fetuses and nursing infants of mothers who consume contaminated Great Lakes fish.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Environmental Health. (For ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information.)

##### Authority

This program is authorized in sections 104(i)(5)(A) and 104(i)(15) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) [42 U.S.C. 9604(i) (5)(A) and (15)], and section 106, subsection 118(e) of the Great Lakes Critical Programs Act of 1990 [33 U.S.C. 1268(e)(3)].

##### Eligible Applicants

Eligible applicants are the Great Lakes states and political subdivisions thereof, including federally recognized Indian tribal governments. State organizations, including state universities, state colleges, and state research institutions, must affirmatively establish that they meet their respective state's legislative definition of a state entity or political subdivision to be considered an eligible applicant. The Great Lakes states includes Illinois,

Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York and Wisconsin and is consistent with Section 106, Subsection 118(e) of the Great Lakes Critical Programs Act of 1990 (33 U.S.C. 1268(e)(3)). ATSDR encourages collaborative efforts among these potential applicants.

#### Availability of Funds

Approximately \$2 million is available in fiscal year 1992 to fund 5 to 10 research projects. It is expected that the average award will be \$150,000 ranging from \$100,000 to \$200,000. It is expected that the awards will begin on or about August 15, 1992, and are usually made for a 12-month budget period within a project period up to 3 years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

#### Use of Funds

Funds may be expended for reasonable program purposes, such as personnel, travel, supplies and services. Funds for contractual services may be requested; however, the grantee, as the direct and primary recipient of PHS grant funds, must perform a substantive role in carrying out project activities and not merely serve as a conduit for an award to another party or provide funds to an ineligible party. Equipment may be purchased with grant funds. However, the equipment proposed should be appropriate and reasonable for the research activity to be conducted. Property may be acquired only when authorized in the grant. The grantee, as part of the application process, should provide a justification of need to acquire property, the description, and the cost of purchase versus lease.

#### Purpose

The purpose of this announcement is to solicit scientific proposals designed to investigate and characterize the association between the consumption of contaminated Great Lakes fish and potential long-term adverse health effects. The objectives of this program are to 1) build upon and amplify the results from past and on-going research; 2) develop information, databases and/or research methodology that will provide long-term benefit to the Great Lakes human health research effort; 3) develop directions and methodology for future human health effects research; 4) provide health information to the subjects of the research and their medical professionals; and 5) increase the public awareness of the health

implications of the toxic pollution problem in the Great Lakes.

#### Program Requirements

ATSDR will provide financial assistance to applicants in conducting studies on potential human health effects which result from human consumption of contaminated fish from the Great Lakes region. ATSDR encourages the submission of applications that emphasize research that will extend existing studies. ATSDR is also interested in funding applicant programs that identify populations which have a higher risk of long-term adverse health effects from exposure to Great Lakes contaminants in fish, i.e., Native Americans, sport anglers, urban poor, and fetuses and nursing infants of mothers who consume contaminated Great Lakes fish. The program areas of research may include, but are not limited to:

1. Characterizing exposure and determining the profiles and levels of Great Lakes contaminants in biological tissues and fluids in high risk populations;

2. Identifying sensitive and specific human reproductive/developmental endpoints and correlating them to exposure to Great Lakes contaminants;

3. Determining the short- and long-term risk(s) adverse health effects in progeny which result from parental exposure to Great Lakes contaminants (special emphasis on reproductive/developmental, behavioral, neurological, and endocrinological endpoints);

4. Investigating the feasibility of establishing registries and/or surveillance cohorts in the Great Lakes region; and

5. Establishing a chemical mixtures database with emphasis on tissue and blood levels in order to identify new cohorts, conduct surveillance and health effects studies, and establish registries and/or surveillance cohorts.

In awarding grants pursuant to the ATSDR Great Lakes Research Program, ATSDR shall consider proposed projects that will help fill information gaps and address research needs regarding the human health impact of consumption of contaminated fish from the Great Lakes. ATSDR encourages collaborative efforts among potential applicants in pursuing these research needs.

#### Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

#### 1. Scientific and Technical Review Criteria of New Applications

##### A. Proposed Program—60%

The extent to which the applicant's proposal addresses:

(1) The scientific merit of the hypothesis of the proposed project, including the originality of the approach and the feasibility, adequacy, and rationale of the design;

(2) The technical merit of the methods and procedures (including Quality Assurance and Quality Control) for the proposed project, including the degree to which the project can be expected to yield results that meet the program objective as described in the Purpose section of this announcement;

(3) The proposed project schedule, including clearly established and obtainable project objectives for which progress toward attainment can and will be measured;

(4) The proposed mechanism to be utilized as a resource to address community concerns and opinion, and create lines of communication; and

(5) The proposed method to disseminate the study results to state and local public health officials, community residents, and to other concerned individuals and organizations.

##### B. Program Personnel—30%

The extent to which the proposal has described:

(1) The qualifications, experience, and commitment of the principal investigator, and his/her ability to devote adequate time and effort to provide effective leadership; and

(2) The competence of associate investigators to accomplish the proposed study, their commitment, and time devoted to the study.

##### C. Applicant Capability—10%

Description of the adequacy and commitment of the institutional resources to administer the program and the adequacy of the facilities as they impact on performance of the proposed study.

##### D. Program Budget—(Not Scored)

The extent to which the budget is reasonable, clearly justified, and consistent with intended use of grant funds.

#### 2. Review of Continuation Applications

Continuation awards within the project period will be made on the basis of the following criteria:

a. Satisfactory progress has been made in meeting project objectives;

b. Objectives for the new budget period are realistic, specific, and measurable;

c. Proposed changes in described long-term objectives, methods of operation, need for grant support, and/or evaluation procedures will lead to achievement of project objectives;

d. Budget request is clearly justified and consistent with the intended use of grant funds, and;

e. Availability of funds for the remaining project years, if any.

#### Executive Order 12372 Review

The applications submitted under this announcement are not subject to the Intergovernmental Review of Federal Programs as governed by Executive Order 12372.

#### Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.161.

#### Other Requirements

##### A. Technical Review

All protocol, studies, and results of research that ATSDR carries out or funds in whole or in part will be reviewed to meet the requirements of CERCLA section 104(i)(13) as amended by SARA.

##### B. Protection of Human Subjects

If the proposed project involves research on human subjects, the applicants must comply with Department of Health and Human Services Regulations (45 Code of Federal Regulations 46) regarding the protection of human subjects. Assurances must be provided that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

##### C. Cost Recovery

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), provides for the recovery of costs incurred for health-related activities at each Superfund site from potentially responsible parties. The recipient would agree to maintain an accounting system that will keep an accurate, complete, and current accounting of all financial transactions on a site-specific basis, i.e., individual time, travel, and associated costs including indirect cost, as appropriate for the site. The recipient

will retain the documents and records to support these financial transactions, for possible use in a cost recovery case, for a minimum of ten (10) years after submission of a final financial status report, unless there is a litigation, claim, negotiation, audit, or other action involving the specific site; then the records will be maintained until resolution of all issues on the specific site.

#### Application Submission and Deadline Dates

The original and two copies of application PHS Form 5161-1 must be submitted to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mail Stop E-14, Atlanta, Georgia, 30305 by July 15, 1992. (By formal agreement, the CDC Procurement and Grants Office will act for and on behalf of ATSDR on this matter.)

1. **Deadline:** Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date or,

b. Sent on or before the deadline date and received in time for submission to the independent review group. (Applications should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. **Late Applications:** Applications that do not meet the criteria in 1.a. or 1.b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

#### Where To Obtain Additional Information

To receive additional written information call (404) 332-4561. You will be asked your name, address, and phone number and will need to refer to Announcement Number 215. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Van Malone, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Mail Stop E-14, Atlanta, Georgia 30305, or by calling (404) 842-6797. Programmatic technical

assistance may be obtained from Mr. Michael Youson, Office of the Director, Division of Toxicology, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mail Stop E-29, Atlanta, Georgia 30333, or by calling (404) 639-6001.

Please Refer to Announcement Number 215 When Requesting Information and Submitting an Application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report, Stock No. 017-001-00473-1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC. 20402-9325 (Telephone 202-783-3238).

Dated: June 4, 1992.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 92-13736 Filed 6-10-92; 8:45 am]

BILLING CODE 4160-70-M

#### Health Care Financing Administration

[OIS-017-N]

#### Medicare Program; Quarterly Listing of Program Issuances and Coverage Decisions

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** General notice.

**SUMMARY:** This notice lists HCFA manual instructions, substantive and interpretive regulations and other Federal Register notices, and statements of policy that were published during January, February, and March 1992 that relate to the Medicare program. Section 1871(c) of the Social Security Act requires that we publish a list of our Medicare issuances in the Federal Register at least every 3 months.

We also are providing the content of the revisions to the Medicare Coverage Issues Manual published during this quarter. On August 21, 1989 (54 FR 34555), we published the content of the Manual and indicated that we will publish quarterly any updates. Adding the Medicare Coverage Issues Manual changes to this listing allows us to fulfill this requirement in a manner that facilitates identification of coverage and other changes in our manuals.

#### FOR FURTHER INFORMATION CONTACT:

Margaret Cotton (410) 966-5260 (For Instruction Information)

Sam DellaVecchia (410) 966-5395 (For Coverage Information)  
 Margaret Teeters (410) 966-4678 (For All Other Information)

**SUPPLEMENTARY INFORMATION:**

**I. Program Issuances**

The Health Care Financing Administration (HCFA) is responsible for administering the Medicare program, a program that pays for health care and related services for 35 million Medicare beneficiaries. Administration of the program involves (1) providing information to beneficiaries, health care providers, and the public; and (2) effective communications with regional offices, State governments, various providers of health care, fiscal intermediaries and carriers who process claims and pay bills, and others. To implement the various statutes on which the program is based, we issue regulations under authority granted the Secretary under sections 1102 and 1871 and related provisions of the Social Security Act (the Act) and also issue various manuals, memoranda, and statements necessary to administer the program efficiently.

Section 1871(c)(1) of the Act requires that we publish in the **Federal Register** no less frequently than every 3 months a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations. We published our first notice June 9, 1988 (53 FR 21730). As in prior notices, although both substantive and interpretive regulations published in the **Federal Register** in accordance with section 1871(a) of the Act are not subject to the publication requirement of section 1871(c), for the sake of completeness of the listing of operational and policy statements, we are including those regulations (proposed and final) published.

**II. Coverage Issues**

We receive numerous inquiries from the general public about whether specific items or services are covered under Medicare. Providers, carriers, and intermediaries have copies of the Medicare Coverage Issues Manual, which identifies those medical items, services, technologies, or treatment procedures that can be paid for under Medicare. On August 21, 1989, we published a notice in the **Federal Register** (54 FR 34555) that contained all the Medicare coverage decisions issued in that manual.

In that notice, we indicated that revisions to the Coverage Issues Manual will be published at least quarterly in the **Federal Register**. We also sometimes issue proposed or final national

coverage decision changes in separate **Federal Register** notices. Table IV of this notice contains the text of revisions to the Coverage Issues Manual published between January 1 and March 31, 1992. Readers should find this an easy way to identify both issuance changes to all our manuals and the text of changes to the Coverage Issues Manual.

Revisions to the Coverage Issues Manual are not published on a regular basis but on an as needed basis. We publish revisions as a result of technological changes, medical practice changes, responses to inquiries we receive seeking clarifications, or the resolution of coverage issues under Medicare. If no Coverage Issues Manual revisions were published during a particular quarter, our listing will reflect that fact.

Not all revisions to the Coverage Issues Manual contain major changes. As with any instruction, sometimes minor clarifications or revisions are made within the text. We have reprinted manual revisions as transmitted to manual holders. The new text is shown in italics. We will not reprint the table of contents, since the table of contents serves primarily as a finding aid for the user of the manual and does not identify items as covered or not.

We issued our first update that included the text of changes to the Coverage Issues Manual on March 20, 1990 (55 FR 10290), our second on February 6, 1991 (56 FR 4830), our third on July 5, 1991 (56 FR 30752), our fourth on November 22, 1991 (56 FR 58913), our fifth on January 22, 1992 (57 FR 2558), and our sixth on March 16, 1992 (57 FR 9127). The issuance update found in Table IV of this notice, when added to material from the manual published on August 21, 1989, and the updates published on March 20, 1990, February 6, 1991, July 5, 1991, November 22, 1991, January 22, 1992, and March 16, 1992 constitute a complete manual as of March 31, 1992. Parties interested in obtaining a copy of the manual and revisions should follow the instructions in section IV of this notice.

**III. How To Use the Listing**

This notice is organized so that a reader may review the subjects of all manual issuances, memoranda, substantive and interpretive regulations, or coverage decisions published during this timeframe to determine whether any are of particular interest. We expect it to be used in concert with previously published notices. Most notably, those unfamiliar with a description of our manuals may wish to review Table I of our first three notices (53 FR 21730, 53 FR 36891, and 53 FR 50577); those

desiring information on the Medicare Coverage Issues Manual may wish to review the August 21, 1989 publication; and those seeking information on the location of regional depository libraries may wish to review Table IV of our first notice. We have divided this current listing into four tables.

Table I describes where interested individuals can get a description of all previously published HCFA manuals and memoranda.

Table II of this notice lists, for each of our manuals or Program Memoranda, a transmittal number unique to that instruction and its subject matter. A transmittal may consist of a single instruction or many. Often it is necessary to use information in a transmittal in conjunction with information currently in the manuals.

Table III lists all substantive and interpretive Medicare regulations and general notices published in the **Federal Register** during this period. For each item, we list the date published, the title of the regulation, and the Parts of the Code of Federal Regulations (CFR) which have changed.

Table IV sets forth the revisions to the Medicare Coverage Issues Manual that were published during this quarter. For each revision, we give a brief synopsis of the revision as it appears on the transmittal sheet, the manual section number, and the title of the section. We present a complete copy of the revised material, no matter how minor the revision, and identify the revision by printing in italics the text that was changed. If the transmittal includes material unrelated to the revised sections, for example, when the addition of revised material causes other sections to be repaginated, we do not reprint the unrelated material.

**IV. How To Obtain Listed Material**

**A. Manuals**

An individual or organization interested in routinely receiving any manual and revisions to it may purchase a subscription to that manual. Those wishing to subscribe should contact either the Government Printing Office (GPO) or the National Technical Information Service (NTIS) at the following addresses: Superintendent of Documents, Government Printing Office, Attn: New Order, P.O. Box 371954, Pittsburgh, PA 15250-7954, Telephone (202) 783-3238, or fax your credit card order using (202) 512-2250; National Technical Information Service, Department of Commerce, 5825 Port Royal Road, Springfield, VA 22161, Telephone (703) 487-4630.

In addition, individual manual transmittals and Program Memoranda listed in this notice can be purchased from NTIS. Interested parties should identify the transmittal(s) they want. GPO or NTIS will give complete details on how to obtain the publications they sell.

#### B. Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. Interested individuals may purchase individual copies or subscribe to the **Federal Register** by contacting the Government Printing Office at the same address indicated above for manual issuances. When ordering individuals copies, it is necessary to cite either the date of publication or the volume number and page number.

#### C. Rulings

Rulings are published on an infrequent basis by HCFA. Interested individuals can obtain copies from the nearest HCFA Regional Office or review them at the nearest regional depository library. We also sometimes publish Rulings in the **Federal Register**.

#### V. How To Review Listed Material

Transmittals or Program Memoranda can be reviewed at a local Federal Depository Library (FDL). Under the Federal Depository Library Program, government publications are sent to approximately 1400 designated libraries throughout the United States. Interested

parties may examine the documents at any one of the FDLs. Some may have arrangements to transfer material to a local library not designated as an FDL. To locate the nearest FDL, individuals should contact any library.

In addition, individuals may contact regional depository libraries, which receive and retain at least one copy of nearly every Federal Government publication, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library.

Superintendent of Documents numbers for each HCFA publication are shown in Table II, along with the HCFA publication and transmittal numbers. To help FDLs locate the instruction, use the Superintendent of Documents number, plus the HCFA transmittal number. For example, to find the Carriers Manual, Part 3—Claims Process (HCFA—Pub. 14-3) transmittal entitled "Common Working File," use the Superintendent of Documents No. HE 22.8/7 and the HCFA transmittal number 1409.

#### VI. General Information

It is possible that an interested party may have a specific information need and not be able to determine from the listed information whether the issuance or regulation would fulfill that need.

Consequently, we are providing information contact persons to answer general questions concerning these items. Copies are not available through the contact persons. Individuals are expected to purchase copies or arrange to review them as noted above.

Questions concerning items in Tables I or II may be addressed to Margaret Cotton, Office of Issuances, Health Care Financing Administration, room 688 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966-5280.

Questions concerning items in Table IV may be addressed to Sam DellaVecchia, Office of Coverage and Eligibility Policy, Health Care Financing Administration, Room 445 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966-5395.

Questions concerning all other information may be addressed to Margaret Teeters, Regulations Staff, Health Care Financing Administration, room 132 East High Rise, 6325 Security Blvd., Baltimore, MD 21207, Telephone (410) 966-4678.

#### Table I—Description of Manuals, Memoranda and HCFA Rulings

An extensive descriptive listing of manuals and memoranda was previously published at 53 FR 21730 and supplemented at 53 FR 36891 and 53 FR 50577. Also, for a complete description of the Medicare Coverage Issues Manual, please review 54 FR 34555.

TABLE II.—MEDICARE MANUAL INSTRUCTIONS, JANUARY—MARCH 1992

Trans. No.	Manual/subject/publication No.	
<b>Intermediary Manual: Part 2—Audits, Reimbursement Program Administration (HCFA—Pub. 13-2) (Superintendent of Documents No. HE 22.8/6-2)</b>		
387	● Maximum Payment Per Visit for Independent Rural Health Clinics.	
<b>Intermediary Manual: Part 3—Claims Process (HCFA—Pub. 13-3) (Superintendent of Documents No. HE 22.8/6)</b>		
IM-92-1	● Partial Hospitalization Services Provided by Community Mental Health Centers. ● Bill Review Instructions for Partial Hospitalization Services in Community Mental Health Centers. ● Common Working File. ● General Information about the Common Working File System. ● CWF Inpatient/SNF Bill—Satellite to Host. ● CWF Outpatient/Home Health/Hospice Bill—Satellite to Host. ● CWF Hospice Notice of Election—Satellite to Host. ● CWF Inpatient/SNF Bill Basic Reply Record and Trailers—Host to Satellite. ● CWF NOE/Hospice Bill Basic Reply Record and Trailers—Host to Satellite. ● CWF Utilization Edit Error Codes. ● Medical Review and A/B Crossover Rejects/Alerts. ● CWF Inpatient, SNF, Outpatient, Home Health, Hospice Consistency Edits. ● MSP Maintenance Transaction Error Codes. ● Benefit Period (Spell of Illness). ● Review of Form HCFA-1450 for Inpatient and Outpatient Bills. ● Spell of Illness. ● Initial Determinations with Respect to Beneficiaries. ● Bill Processing and Workload Reporting and Section 3446 Indemnification Procedures for Claims Falling Within the Limitation of Liability Provision.	
1555		
1556		
1557		
1558		
1559		
1560		
1561	● Disclosure of Beneficiary-Specific Data to Medicare Providers and Suppliers in Coordination with the Social Security Administration. ● Health Insurance Card. Health Insurance Claims Numbers. Procedures for Obtaining Missing or Incorrect HICNs and Other Data.	

TABLE II.—MEDICARE MANUAL INSTRUCTIONS, JANUARY–MARCH 1992—Continued

Trans. No.	Manual/subject/publication No.
1562	<p>Cross Reference Health Insurance Claim Number.</p> <p>Guidelines for Use of Carrier Alphabetic State File.</p> <p>Guidelines for Use of Health Insurance Beneficiary State Tape (BEST—General).</p> <p>Common Working File Record Maintenance.</p> <p>The Health Insurance Master Record Inquiry.</p> <p>CWF File Display Utility Screen.</p> <p>Master Beneficiary Record Display.</p> <p>Retrieving History Records.</p> <p>Inpatient/SNF Summary File Display.</p> <p>Outpatient/HHA Summary File Display.</p> <p>Part B Summary Record Display.</p> <p>Catastrophic Part A Summary Display.</p> <p>Hospice Master Utilization Record Display.</p> <p>Hospice Summary File Display.</p> <p>MSP Auxiliary File Summary.</p> <p>Retrieving Records With TA or TB BIC HICN.</p> <p>Retrieving Full History Records.</p> <p>Inpatient/SNF Full History Record Display.</p> <p>Outpatient/HHA Full History Record Display.</p> <p>Part B Full History Record Display.</p> <p>Hospice Full History Record Display.</p> <p>MSP Auxiliary File Display.</p> <p>Representative Payee Display.</p> <p>HMO Auxiliary Record Display.</p> <p>Cross-Reference Record Display.</p> <p>Out-of-Service Area Response File.</p> <p>Transfer Not-in-File Record Display.</p> <p>Archived Claim Pointers Update Screen Display.</p> <p>Requesting Assistance in Resolving Problem Areas in the Inquiry/Inquiry Response Procedures.</p> <p>Critical Case Procedures—Establishing Entitlement Under Part A and Part B.</p> <ul style="list-style-type: none"> <li>● Inpatient Hospital Deductible.</li> <li>Coinsurance.</li> <li>Basis for Determining the Coinsurance Amounts.</li> <li>Part B Annual Deductible.</li> <li>Special Carryover Rule for Expense Incurred Prior to 1981.</li> <li>Exceptions to Annual Deductible and Coinsurance.</li> <li>Application of the Deductible and Coinsurance in Limitation of Liability and Indemnification Situations.</li> <li>Form HCFA-1450 Consistency Edits.</li> <li>Determining Covered/Noncovered Days and Charges.</li> <li>Processing No-Payment Bills.</li> <li>Processing Indemnified Bills.</li> <li>Waiver of Liability Provision.</li> <li>General Responsibilities of Hospitals, PROs and Intermediaries.</li> <li>Participating Provider.</li> <li>Notification to the Beneficiary When Recovery is Sought from the Provider.</li> <li>Sample Letter to Beneficiary Where Recovery is Sought from Provider.</li> <li>Amended Medicare Benefit Notices, HCFA-1533.</li> </ul>
1563	<ul style="list-style-type: none"> <li>● Review of Form HCFA-1450 for Inpatient and Outpatient Bills.</li> </ul>
1564	<ul style="list-style-type: none"> <li>● Payment for Blood Clotting Factor Administered to Hemophilia Inpatients.</li> </ul>
1565	<ul style="list-style-type: none"> <li>● Medical Review For Coverage of Skilled Nursing Facility Services.</li> </ul>
1566	<ul style="list-style-type: none"> <li>● Outpatient Services Treated As Inpatient Services.</li> </ul>
1567	<ul style="list-style-type: none"> <li>● Disallowance Form Letters HCFA-1954 and HCFA-1955.</li> <li>● Electronic Media Claims.</li> </ul>
	Requirements for Submission of EMC Data.

## Carriers Manual: Part 3—Claims Process (HCFA—Pub. 14-3) (Superintendent of Documents No. HE 22.8/7)

1409	<ul style="list-style-type: none"> <li>● Common Working File.</li> </ul>
1410	<ul style="list-style-type: none"> <li>● Rebundling of CPT-4 Codes.</li> </ul>
1411	<ul style="list-style-type: none"> <li>● Clinical Diagnostic Laboratory Services Subject to Fee Schedule.</li> </ul>
	Calculation of Fee Schedule Amounts.
	Specimen Collection Fee.
	Travel Allowance.
1412	<ul style="list-style-type: none"> <li>● Drugs and Biologicals—General.</li> </ul>
	Epoetin.
	Drugs and Biologicals.
1413	<ul style="list-style-type: none"> <li>● Submitted Bills—No Form HCFA-1490S.</li> </ul>
	Physician and Supplier Billing Requirements For Services Furnished On or After September 1, 1990.
	Disclosure of Beneficiary-Specific Data to Medicare Providers and Suppliers in Coordination with the Social Security Administration.
1414	<ul style="list-style-type: none"> <li>● Optometrists.</li> </ul>
1415	<ul style="list-style-type: none"> <li>● Postpayment Alert List.</li> </ul>
1416	<ul style="list-style-type: none"> <li>● Office of Audit Services.</li> </ul>
	Office of Evaluation and Inspection.
	Medicare Carriers.
	Sources of Leads.
	Use of Contractor Resources.
	Abuse.
	Fraud.
	Possible Unethical or Unprofessional Conduct by a Provider.
	Referral to the RPO.

TABLE II.—MEDICARE MANUAL INSTRUCTIONS, JANUARY–MARCH 1992—Continued

Trans. No.	Manual/subject/publication No.
	Referral from Social Security Administration District Offices. Referrals From Beneficiaries. Beneficiary and Provider Outreach Program. Initial Actions.
1417	● Payment to Ambulatory Surgical Centers. Carrier Adjustment of Payment Rates. Payment for Intraocular Lens. Carrier Adjustment of Payment Rates. Payment for Multiple Procedures. ● ASC Payment Groups and Rates. 1992 CPT-4 Additional Procedures Codes.
	<b>Program Memorandum Carriers (HCFA—Pub. 60B) (Superintendent of Documents No. HE 22.8/6-5)</b>
B-92-1	● Counting Physicians, Limited License Practitioners, and Suppliers Who Have Elected to Participate in the Medicare Program Effective January 1, 1992.
B-92-2	● Implementation of section 4114 of the Omnibus Budget Reconciliation Act of 1990 and Application of Uniform Review Guidelines For Physician Visits to Rehabilitation Hospitals/Units.
B-92-3	● Revised Effective Date for Implementation of Medicare Carriers Manual Transmittal No. 1411.
	<b>State Operations Manual (HCFA—Pub. 7) (Superintendent of Documents No. HE 22.8/12)</b>
248	● Deeming and Waiver of Nurse Aide Training and Competency Evaluation Requirements. Nurse Aide Training and Competency Evaluation Programs and Competency Evaluation Programs. Nurse Aide Registry.
	<b>Hospital Manual (HCFA—Pub. 10) (Superintendent of Documents No. HE 22.8/2)</b>
629	● Indemnification Procedures for Claims Falling Within the Limitation of Liability Provision.
630	● Drugs and Biologicals. Epoetin.
631	● Form HCFA-1450 Consistency Edits. Liability for Overpayments Discovered Subsequent to Third Calendar Year After the Year of Payment.
632	● Completion of Form HCFA-1450 for Inpatient and/or Outpatient Billing.
633	● Outpatient Services Treated As Inpatient Services. Payment for Blood Clotting Factor Administered to Hemophilia Inpatients.
634	● Outpatient Services Treated As Inpatient Services.
	<b>Home Health Agency Manual (HCFA—Pub. 11) (Superintendent of Documents No. HE 22.8/5)</b>
250	● Indemnification Procedures for Claims Falling Within the Limitation of Liability Provision.
251	● Completion of Form HCFA-1450 for Home Health Agency.
	<b>Skilled Nursing Facility Manual (HCFA—Pub. 12) (Superintendent of Documents No. HE 22.8/3)</b>
307	● Indemnification Procedures for Claims Falling Within the Limitation of Liability Provision. ● Limitation of Liability for SNF Claims Under Parts A and B of the Medicare Program. Claims Processing Timeliness. Billing Medicare for the Professional Component of SNF-Based Physician's Services. Where Charges Which Include Accommodations Charges are Incurred in Different Accounting Years. Total and Noncovered Charges. Assuring That Providers No Longer Participating or No Longer Receiving Payments for New Admissions, Continue to Bill for Covered Services. Billing Procedures for a Provider Being Assigned Multiple Provider Numbers or a Change in Provider Number. Scope of Limitation of Liability Provision. Submitting Beneficiary Demand Bills for Noncovered Admissions. Beneficiary Demand Bills for Continued Stay Denial. Submitting Discharge Bills in No-Payment Cases. Situation Requiring Submission of No-Payment Bills. Completion of Form HCFA-1450 for Inpatient and/or Outpatient Billing. Requirements for Submission of Machine Readable Data. ● Completion of Form HCFA-1450 for Inpatient and/or Outpatient Billing.
	<b>Health Maintenance Organization/Competitive Medical Plan Manual (HCFA—Pub. 75) (Superintendent of Documents No. HE 22.8/21:989)</b>
8	● Marketing.
9	● Benefits.
	<b>Rural Health Clinic Manual (HCFA—Pub. 27) (Superintendent of Documents No. HE 22.8/19)</b>
45	● Maximum Payment Per Visit for Independent Rural Health Clinic.
	<b>Renal Dialysis Facility Manual (Non-Hospital Operated) (HCFA—Pub. 29) (Superintendent of Documents No. HE 22.8/13)</b>
52	● Epoetin
53	● Completion of Form HCFA-1450 by Independent Facilities For Home Dialysis Items and Services Billed Under the Composite Rate (Method I).
	<b>Hospice Manual (HCFA—Pub. 21) (Superintendent of Documents No. HE 22.8/18)</b>
28	● Determining Beneficiary Liability, and Section 277 Indemnification Procedures for Claims Falling Within the Limitation of Liability Provision.

TABLE II.—MEDICARE MANUAL INSTRUCTIONS, JANUARY–MARCH 1992—Continued

Trans. No.	Manual/subject/publication No.
<b>Coverage Issues Manual (HCFA—Pub. 6) (Superintendent of Documents No. HE 22.8/14)</b>	
55.....	● Air-fluidized Beds.
56.....	● Blood Platelet Transfusion and Bone Marrow Transplantation.
57.....	● Infusion Pumps. Safety Rollers.
<b>Outpatient Physical Therapy and Comprehensive Outpatient Rehabilitation Facility Manual (HCFA—Pub. 9) (Superintendent of Documents No. HE 22.8/21)</b>	
IM-92-1.....	● Partial Hospitalization Services Provided By Community Mental Health Centers. Billing Instructions for Partial Hospitalization Services Provided in Community Mental Health Centers.
105.....	● Completion of Form HCFA-1450 for Billing Comprehensive Outpatient Rehabilitation Facility, Outpatient Physical Therapy, Occupational Therapy or Speech Pathology Services.
<b>Provider Reimbursement Manual: Part 1 (HCFA—Pub. 15-1) (Superintendent of Documents No. HE 22.8/4)</b>	
366.....	● Provider of Services. Interim Rates. Interim Rate-Initial Reporting Period.
<b>Provider Reimbursement Manual: Part 1—Chapter 27 (HCFA—Pub. 15-27) (Superintendent of Documents No. HE 22.8/4)</b>	
18.....	● Charges for Eye and Tissue Donations and Services.
19.....	● Erythropoietin.
<b>Provider Reimbursement Manual: Part II—Provider Cost Reporting Forms and Instructions (Hospital) Chapter 19—Form HCFA 2552-85 (HCFA Pub. 15-II-S) (Superintendent of Documents No. HE 22.8/4)</b>	
12.....	● Part II—Outpatient Capital Reduction. Part IV—Direct Graduate Medical Education and ESRD Outpatient Direct Medical Education Costs. Supplemental Worksheet F-2—Computation of Difference Between Interim Payments and Net Cost of Covered Services.
13.....	● Part I—Computation of Ratio of Cost to Charges.
<b>Provider Reimbursement Manual: Part II—Provider Cost Reporting Forms and Instructions (Hospital) Chapter 24—Form HCFA 2552-89 (HCFA Pub. 15-II-X) (Superintendent of Documents No. HE 22.8/4)</b>	
4.....	● Calculation of Outpatient Cost to Charge Ratios Net of Reductions. Worksheet D—Cost Apportionment. Part III—Apportionment of Medical and Other Health Services Costs. Part IV—Direct Graduate Medical Education and ESRD Outpatient Direct Medical Education Costs. Supplemental Worksheet F-2—Computation of Difference Between Total Interim Payments and Net Cost of Covered Services. Supplemental Worksheet J-3—Calculation of Reimbursement Settlement—CORF Services.
<b>Carrier Quality Assurance Handbook (HCFA—Pub. 25) (Superintendent of Documents No. HE 22.8:C 23/982)</b>	
47.....	● Sample Review results. Subsample Review Materials.

TABLE III—REGULATIONS AND NOTICES PUBLISHED, JANUARY–MARCH 1992

Publication date/citation	42 CFR part	Title
<b>Final Rules</b>		
02/28/92 (57 FR 7002).....	405, 410, 416, 417, 418, 440, 482, 483, 484, 485, 488, 491, 493, 494.	Medicare, Medicaid and CLIA Programs; Regulations Implementing the Clinical Laboratory Improvement Amendments of 1988 (CLIA).
02/28/92 (57 FR 7188).....	493 .....	Clinical Laboratory Improvement Act Program Fee Collection.
02/28/92 (57 FR 7218).....	493 .....	Medicare Program; Medicare and Laboratory Certification Program; Enforcement Procedures for Laboratories.
03/06/92 (57 FR 8194).....	417, 431, 434, 483, 484, 489, 498.	Medicare and Medicaid Programs; Advance Directives.
<b>Proposed Rules</b>		
02/05/92 (57 FR 4516).....	418, 440, 441, 482, 483, 488.	Medicare and Medicaid Programs; Omnibus Nursing Home Requirements (Correction Notice Published 03/13/92 (57 FR 8961)).
03/11/92 (57 FR 8588).....	411 .....	Medicare Program; Physician Ownership of, and Referrals to, Health Care Entities that Furnish Clinical Laboratory Services.
Publication date/citation		Title
<b>Notices</b>		
01/02/92 (57 FR 57).....		Medicare Program; Data, Standards and Methodology Used to Establish Fiscal Year 1992 Budgets for Fiscal Intermediaries and Carriers.

Publication date/citation	Title
01/06/92 (57 FR 413).....	Medicare Program; HMO Qualification Determinations and Compliance Actions.
01/08/92 (57 FR 749).....	Medicare Program; Schedule of Limits on Home Health Agency Costs Per Visit for Cost Reporting Periods Beginning on or After July 1, 1991 (Correction to the Notice with Comment Period Published 12/09/91 (56 FR 64256)).
01/22/92 (57 FR 2558).....	Medicare Program; Quarterly Listing of Program Issuances and Coverage Decisions.
01/27/92 (57 FR 3015).....	Medicare Program; Prospective Payment for Inpatient Hospital Capital-Related Costs (Correction to the Final Rule Published 08/30/91 (56 FR 43358)).
02/03/92 (57 FR 4044).....	Medicare Program; Recognition of the Joint Commission on the Accreditation of Healthcare Organizations Standards for Home Care Organizations.
03/16/92 (57 FR 9127).....	Medicare Program; Quarterly Listing of Program Issuances and Coverage Decisions.

**Table IV—Medicare Coverage Issues Manual**

(For the reader's convenience, new material and changes to previously published material are in italics. If any part of a sentence in the manual instruction has changed, the entire line is shown in italics. The transmittal includes material unrelated to revised sections. We are not reprinting the unrelated material.)

Transmittal No. 55; section 60-19, Air-fluidized bed.

Clarification—Effective Date: Not Applicable.

**Section 60-19, Air-fluidized bed.**

This section has been clarified so that home use of the air-fluidized bed is not covered when the patient requires treatment with wet soaks or moist wound dressings that are not protected with an impervious covering such as plastic wrap or other occlusive material. Formerly, the section provided for non-coverage for the bed if the patient required moist dressings, which some interpreted to include all moist dressing situations, regardless of whether the wound was capable of being kept moist by occlusive material.

60-19 Air-Fluidized Bed (Effective for services rendered on or after: 07/30/90)

An air-fluidized bed uses warm air under pressure to set small ceramic beads in motion which simulate the movement of fluid. When the patient is placed in the bed, his body weight is evenly distributed over a large surface area which creates a sensation of "floating." Medicare payment for home use of the air-fluidized bed for treatment of pressure sores can be made if such use is reasonable and necessary for the individual patient.

A decision that use of an air-fluidized bed is reasonable and necessary requires that:

- The patient has a stage 3 (full thickness tissue loss) or stage 4 (deep tissue destruction) pressure sore;
- The patient is bedridden or chair bound as a result of severely limited mobility;

- In the absence of an air-fluidized bed, the patient would require institutionalization;

- The air-fluidized bed is ordered in writing by the patient's attending physician based upon a comprehensive assessment and evaluation of the patient after conservative treatment has been tried without success;

- A trained adult caregiver is available to assist the patient with activities of daily living, fluid balance, dry skin care, repositioning, recognition and management of altered mental status, dietary needs, prescribed treatments, and management and support of the air-fluidized bed system and its problems such as leakage;

- A physician directs the home treatment regimen, and reevaluates and recertifies the need for the air-fluidized bed on a monthly basis; and

- All other alternative equipment has been considered and ruled out.

Home use of the air-fluidized bed is not covered under any of the following circumstances:

- The patient has coexisting pulmonary disease (the lack of firm back support makes coughing ineffective and dry air inhalation thickens pulmonary secretions);

- The patient requires treatment with wet soaks or moist wound dressings that are not protected with an impervious covering such as plastic wrap or other occlusive material;

- The caregiver is unwilling or unable to provide the type of care required by the patient on an air-fluidized bed;

- Structural support is inadequate to support the weight of the air-fluidized bed system (it generally weighs 1600 pounds or more);

- Electrical system is insufficient for the anticipated increase in energy consumption; or

- Other known contraindications exist.

Coverage of an air-fluidized bed is limited to the equipment itself. Payment for this covered item may only be made if the written order from the attending physician is furnished to the supplier prior to the delivery of the equipment. Payment is not included for the caregiver or for architectural adjustment

such as electrical or structural improvement.

Cross refer: Carriers Manual, § 5102.2.

Transmittal No. 56; section 35-30, Blood Platelet Transfusion and Bone Marrow Transplantation.

Clarification—Effective Date: Not Applicable.

Section 35-30, Blood Platelet Transfusion and Bone Marrow Transplantation.

This section has been revised to be consistent with International Classification of Diseases, Ninth Revision, Clinical Modification (ICD-9-CM) coding changes effective October 1, 1991.

**35-30 Blood Platelet Transfusions and Bone Marrow Transplantation**

**A. Blood Platelet Transfusions** (Effective for services performed on or after August 1, 1978).—Blood platelet transplants are safe and effective for the correction of thrombocytopenia and other blood defects. It is covered under Medicare when treatment is reasonable and necessary for the individual patient.

**B. Allogeneic Bone Marrow Transplantation.**—*Allogeneic bone marrow transplantation (ICD-9-CM codes 41.02 and 41.03) is a procedure in which a portion of a healthy donor's bone marrow is obtained and prepared for intravenous infusion to restore normal marrow function in recipients having an inherited or acquired marrow deficiency or defect. The following uses of allogeneic bone marrow transplantation are covered under Medicare:*

- *Effective for services performed on or after August 1, 1978, for the treatment of leukemia, leukemia in remission (ICD-9-CM codes 204.00 through 208.91), or aplastic anemia (ICD-9-CM codes 284.0 through 284.9) when it is reasonable and necessary.*

- *Effective for services performed on or after June 3, 1985, for the treatment of severe combined immunodeficiency disease (SCID) (ICD-9-CM code 279.2), and for the treatment of Wiskott-Aldrich syndrome (ICD-9-CM 279.12).*

**C. Autologous Bone Marrow Transplantation** (Effective for Services

Performed on or After 04/28/89).—Autologous bone marrow transplantation is a technique for restoring bone marrow stem cells using the patient's own previously stored marrow.

1. *Covered Conditions.*—*Autologous bone marrow transplantation (ICD-9-CM code 41.01, CPT-4 code 38241) is considered reasonable and necessary under § 1862(a)(1)(A) of the Act for the following conditions and is covered under Medicare for patients with:*

- *Acute leukemia in remission (ICD-9-CM codes 204.01, lymphoid; 205.01, myeloid; 206.01, monocytic; 207.01, acute erythremia and erythroleukemia; and 208.01 unspecified cell type) who have a high probability of relapse and who have no human leucocyte antigens (HLA)-matched;*

- *Resistant non-Hodgkin's lymphomas (ICD-9-CM codes 200.00-200.08, 200.10-200.18, 200.20-200.28, 200.80-200.88, 202.00-202.08, 202.80-88, and 202.90-202.98) or those presenting with poor prognostic features following an initial response;*

- *Recurrent or refractory neuroblastoma (see ICD-9-CM Neoplasm by site, malignant); or*
- *Advanced Hodgkin's disease (ICD-9-CM codes 201.00-201.98) who have failed conventional therapy and have no HLA-matched donor.*

2. *Noncovered Conditions.*—Insufficient data exist to establish definite conclusions regarding the efficacy of autologous bone marrow transplantation for the following conditions:

- *Acute leukemia not in remission (ICD-9-CM codes 204.00, 205.00, 206.00, 207.00 and 208.00);*
- *Chronic granulocytic leukemia (ICD-9-CM codes 205.10 and 205.11); or*
- *Solid tumors (other than neuroblastoma) (ICD-9-CM codes 140.0-199.1).*

In these cases, autologous bone marrow transplantation is not considered reasonable and necessary within the meaning of § 1862(a)(1)(A) of the Act and is not covered under Medicare.

Transmittal No. 57; sections 60-14, Infusion Pumps, and 60-15, Safety Roller. (Note to the reader: These sections of the Coverage Issues Manual were accidentally omitted when the Manual was recently reprinted. They were reformatted, edited and reissued in March 1992 in the following transmittal.)

Printing error—Effective date: Not applicable.

Transmittal No. 57; sections 60-14, Infusion Pumps, and 60-15, Safety Roller.

These pages were inadvertently omitted when this manual was reprinted. The new pages have been reformatted and edited.

#### 60-14 Infusion Pumps

The Following Indications for Treatment Using Infusion Pumps are Covered Under Medicare:

##### A. External Infusion Pumps

(Effective for services performed on or after 9/26/84.)

1. *Iron Poisoning*—when used in the administration of deferoxamine for the treatment of acute iron poisoning and iron overload, only external infusion pumps are covered.

2. *Thromboembolic Disease*—When used in the administration of heparin for the treatment of thromboembolic disease and/or pulmonary embolism, only external infusion pumps used in an institutional setting are covered.

(Note: For end-stage renal disease patients, see 60-1.)

(Effective for services performed on or after 1/29/85.)

##### 3. Chemotherapy for Liver Cancer

The external chemotherapy infusion pump is covered when used in the treatment of primary hepatocellular carcinoma or colorectal cancer where this disease is unresectable or where the patient refuses surgical excision of the tumor.

(Effective for services performed on or after 4/22/85.)

##### 4. Morphine or Intractable Cancer Pain

Morphine infusion via an external infusion pump is covered when used in the treatment of intractable pain caused by cancer (in either an inpatient or outpatient setting, including a hospice).

Other uses of external infusion pumps are covered if the contractor's medical staff verifies the appropriateness of the therapy and of the prescribed pump for the individual patient.

##### B. Implantable Infusion Pumps

(Effective for services performed on or after 9/26/84.)

*Chemotherapy for Liver Cancer.*—The implantable infusion pump is covered for intra-arterial infusion of 5-FUdR for the treatment of liver cancer for patients with primary hepatocellular carcinoma or Duke's Class D colorectal cancer, in whom the metastases are limited to the liver, and where (1) the disease is unresectable or (2) where the patient refuses surgical excision of the tumor.

**Note:** Payment may also be made for drugs necessary for the effective use of the pump, as long as the drug being used with the pump is itself reasonable and necessary for the patient's treatment.

The Following Indications for Treatment Using Infusion Pumps are not Covered Under Medicare:

##### A. External Infusion Pumps

(Effective for services performed on or after 1/29/85.)

*Diabetes*—the use of an external infusion pump for the subcutaneous infusion of insulin in the treatment of diabetes is not covered.

##### B. Implantable Infusion Pump

(Effective for services performed on or after 9/26/84.)

*Thromboembolic Disease.*—According to the Public Health Service, there is insufficient published clinical data to support the safety and effectiveness of the heparin implantable pump. Therefore, the use of an implantable infusion pump for infusion of heparin in the treatment of recurrent thromboembolic disease is not covered.

Other uses of the implanted infusion pump are currently under investigation by the Public Health Service and would still be considered experimental, and therefore not covered under Medicare.

#### 60-15 Safety Roller

(Effective for claims adjudicated on or after 8/3/85.)

"Safety roller" is the generic name applied to devices for patients who cannot use standard wheeled walkers. They may be appropriate, and therefore covered, for some patients who are obese, have severe neurological disorders, or restricted use of one hand, which makes it impossible to use a wheeled walker that does not have the sophisticated braking system found on safety rollers.

In order to assure that payment is not made for a safety roller when a less expensive standard wheeled walker would satisfy the patient's medical needs, carriers will refer safety roller claims to their medical consultants. The medical consultant will determine whether some or all of the features provided in a safety roller are necessary, and therefore covered and reimbursable. If it is determined that the patient could use a standard wheeled walker, the charge for the safety roller will be reduced to the charge of a standard wheeled walker.

Some obese patients who could use a standard wheeled walker if their weight did not exceed the walker's strength and stability limits can have it reinforced and its wheel base expanded. Such modifications are routine mechanical adjustments and justify a moderate surcharge. In these cases the carrier will reduce the charge for the safety roller to

the charge for the standard wheeled walker plus the surcharge for modifications.

In the case of patients with medical documentation showing severe neurological disorders or restricted use of one hand which makes it impossible for them to use a wheeled walker that does not have a sophisticated braking system, a reasonable charge for the safety roller may be determined without relating it to the reasonable charge for a standard wheeled walker. [Such reasonable charge should be developed in accordance with the instructions in Medicare Carriers Manual §§ 5010 and 5205.]

Cross Refer: Carriers Manual §§ 2100ff., § 60-9.

[Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program]

Dated: May 27, 1992.

William Toby,  
Acting Administrator, Health Care Financing Administration.

[FR Doc. 92-13675 Filed 6-10-92; 8:45 am]

BILLING CODE 4120-01-M

## National Institutes of Health

### Genome Research Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Genome Research Review Committee, National Center for Human Genome Research, June 25, 1992, at the Embassy Suites Hotel, Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC. This meeting will be open to the public on June 25 from 11 a.m. to 12 p.m. to discuss administrative details or other issues relating to the committee activities as indicated in the notice. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 522b(c)(4) and 522b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, the meeting will be closed to the public June 25 from 12 p.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Linda Engel, Chief, Office of Scientific Review, National Center for

Human Genome Research, National Institutes of Health, Building 38A, room 604, Bethesda, Maryland 20892, (301) 402-0838, will furnish the meeting agenda, rosters of committee members and consultants, and substantive program information upon request.

[Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research]

Dated: June 01, 1992,

Susan K. Feldman,  
Committee Management Officer, NIH.

[FR Doc. 92-13660 Filed 6-10-92; 8:45 am]

BILLING CODE 4140-01-M

### National Heart, Lung, and Blood Institute; Meetings

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be open to the public to discuss administrative details relating to Special Emphasis Panel (SEP) business for approximately one half hour at the beginning of the first session of each meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92-463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, National Heart, Lung, and Blood Institute, Westwood Building, room 7A15, National Institutes of Health, Bethesda, Maryland 20892, telephone 301-496-7548, will furnish summaries of the meetings and rosters of panel members. Substantive program information may be obtained from each Scientific Review Administrator whose telephone number is provided. Since it is necessary to schedule meetings well in advance, it is suggested that anyone planning to attend a meeting contact the Scientific Review Administrator to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Name of Panel: NHLBI SEP on clinical investigator development awards and 1 small grant.

Scientific Review Administrator: Dr. Kathryn Ballard, Telephone 301-496-7361.

Dates of Meeting: June 23-23, 1992.

Place of Meeting: Hyatt Regency, Bethesda, Maryland.

Time of Meeting: 1 p.m.

Name of Panel: NHLBI SEP on RFA for multicenter studies of diet and Lipoproteins in humans.

Scientific Review Administrator: Dr. Louise Corman, Telephone 301-496-7363.

Dates of Meeting: June 23-25, 1992.

Place of Meeting: Stouffer Concourse Hotel, Arlington, Virginia.

Time of Meeting: 6:45 p.m.

Name of Panel: NHLBI SEP on program project grants.

Scientific Review Administrator: Dr. Beborah Beebe, Telephone 301-496-4485.

Dates of Meeting: June 24, 1992.

Place of Meeting: Hyatt Regency, Bethesda, Maryland.

Time of Meeting: 7 p.m.

Name of Panel: NHLBI SEP on clinical trial for research project grant.

Scientific Review Administrator: Dr. Lynn Amende, Telephone 301-496-8818.

Dates of Meeting: June 30, 1992.

Place of Meeting: Hyatt Regency, Bethesda, Maryland.

Time of Meeting: 3 p.m.

Name of Panel: NHLBI SEP on clinical investigator development awards.

Scientific Review Administrator: Dr. Lynn Amende, Telephone 301-496-8818.

Dates of Meeting: June 20-21, 1992.

Place of Meeting: Hyatt Regency, Bethesda, Maryland.

Time of Meeting: 8 a.m.

Name of Panel: NHLBI SEP on lung diseases, smoking and exercise.

Scientific Review Administrator: Dr. Louise Corman, Telephone 301-496-7363.

Dates of Meeting: July 21-22, 1992.

Place of Meeting: Crystal Gateway Marriott, Arlington, Virginia.

Time of Meeting: 9 a.m.

[Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Disease Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health]

Dated: June 1, 1992.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 92-13662 Filed 6-10-92; 8:45 am]

BILLING CODE 4140-01-M

### National Heart, Lung, and Blood Institute; Research Training Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Research Training Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health, on June 21 and 22, 1992, at the Hyatt Regency Bethesda, one Bethesda Metro Center, Bethesda, Maryland 20814.

This meeting will be open to the public on June 21, from 7:30 p.m. to approximately 8:30 p.m., to discuss

administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and section 10(d) of Public Law 92-463, the meeting will be closed to the public on June 21, 1992, from 8:30 p.m. to 10 p.m., and on June 22, from approximately 8 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Kathryn Ballard, Scientific Review Administrator, NHLBI, Westwood Building, room 550, Bethesda, Maryland 20892, (301) 496-7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: May 28, 1992.

Susan K. Feldman,

Committee Management Officer, NIH  
[FR Doc. 92-13663 Filed 6-10-92; 8:45 am]

BILLING CODE 4140-01-M

## Public Health Service

### National Toxicology Program; Call for Public Comments; Chemicals Proposed for the Ninth Annual Report on Carcinogens

#### Background

The National Toxicology Program (NTP) requests comments on actions which the Program plans to take with regard to the Ninth Annual Report on Carcinogens. The report is a Congressionally-mandated listing of certain carcinogens and its preparation is delegated to the National Toxicology Program by the Secretary, Department of Health and Human Services. The pertinent provision of Public Law 95-622 requires an Annual Report which contains "a list of all substances (i) which either are known to be carcinogens or may reasonably be anticipated to be carcinogens and (ii) to which a significant number of persons residing in the United States are exposed \* \* \*." The law also states that the reports should provide available information on the nature of exposures, the estimated number of persons exposed and the extent to which the implementation of Federal regulations decreases the risk of public health from exposure to these chemicals.

The proposed new entries for the Ninth Report have undergone a multiphased peer review process involving a variety of Federal research and regulatory agencies. All evidence of carcinogenicity of the proposed new entries was peer reviewed by scientists of either the International Agency for Research on Cancer (IARC) or the Technical Reports Review Subcommittee of the NTP Board of Scientific Counselors before the chemicals were considered for selection. All data relevant to the criteria for inclusion of candidate substances in the

Annual Report have been evaluated by the two scientific review committees which develop the list of proposed additions to these reports. This notice is being published to provide for appropriate public comment to supplement these selection and review processes.

#### Proposed Actions

In the Ninth Annual Report on Carcinogens, the National Toxicology Program is proposing the addition of 6 substances to existing listings. One of the additional substances is being added to those listed as "known carcinogens" and one chemical, tris(1-aziridinyl)phosphine sulfide, currently included on the list of "reasonably anticipated to be carcinogens," is proposed to be moved to the list of "known carcinogens." The five remaining substances are being proposed to be added as "reasonably anticipated to be carcinogens." These chemicals are listed in the Appendix with their Chemical Abstract Services (CAS) Registry numbers and references. The Program seeks public comment on this action, including information and data pertaining to these substances.

#### Submission of Comments on the Ninth Annual Report

Comments on the actions proposed for the Ninth Annual Report on Carcinogens will be accepted for a period of 60 days from date of publication of this announcement in the *Federal Register*. Comments should be sent to the National Toxicology Program Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, North Carolina 27709.

Dated: June 4, 1992.

Kenneth Olden,

Director, National Toxicology Program.

#### Appendix

## SUBSTANCES PROPOSED FOR THE NINTH ANNUAL REPORT ON CARCINOGENS

CAS Nos.	Substance	NTP Technical Reports	IARC Vol.
<b>A. Known To Be Carcinogens:</b>			
59865-13-3.....	Cyclosporin.....		50 (1990)
52-24-4.....	Tris(1-aziridinyl)phosphine Sulfide.....		50 (1990)
<b>B. Reasonably Anticipated To Be Carcinogens:</b>			
320-67-2.....	Azacytidine.....	42	50 (1990)
54749-90-5.....	Chlorozotocin.....		50 (1990)
117-10-2.....	1,8-Dihydroxyanthraquinone.....		50 (1990)
91-23-6.....	o-Nitroanisole.....	416	
96-18-4.....	1,2,3-Trichloropropane.....	384	

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[WO-340-4333-02]

## Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information, related forms, and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004-0133). Washington, DC 20503, telephone 202-395-7340.

*Title:* Permit Fee Envelope, 36 CFR 71. *OMB Approval Number:* 1004-0133.

*Abstract:* Respondents supply identifying information and data on the campsite number, dates camping, number in party, zip code, fee paid, vehicle license number, and primary purpose of visit. This information allows the Bureau of Land Management to determine if all users have paid the required fee, the number of users, and their State of origin.

*Bureau Form Number:* 1370-36.

*Frequency:* On occasion.

*Description of Respondents:* Individuals desiring to use the campground.

*Estimated Completion Time:* Three minutes.

*Annual Responses:* 94,376.

*Annual Burden Hours:* 4,719.

*Bureau Clearance Officer (Alternate):* Gerri Jenkins 202-653-6105.

Dated: April 13, 1992.

Kemp Conn,

*Assistant Director—Land and Renewable Resources.*

[FR Doc. 92-13290 Filed 6-10-92; 8:45 am]

BILLING CODE 4310-84-M

[CO-920-92-4120-11; COC 53810]

## Colorado: Notice of Invitation for Coal Exploration License Application, Consolidation Coal Company

Pursuant to the Mineral Leasing Act of February 25, 1920, as amended, and to title 43, Code of Federal Regulations, subpart 3410, members of the public are hereby invited to participate with Consolidation Coal Company in a program for the exploration of unleased coal deposits owned by the United States of America in the following described lands located in Gunnison County, Colorado:

T. 13S., R. 90 W., 6th P.M.

Sec. 11, lots 9 and 12;

Sec. 12, lots 7 to 9, inclusive, and

NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The area described contains approximately 221.89 acres.

The application for coal exploration license is available for public inspection during normal business hours under serial Number COC 53810 at the Bureau of Land Management (BLM), Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215, and at the BLM Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado 81401.

Written Notice of Intent to Participate should be addressed to the following persons and must be received by them within 30 days after the publication of this Notice of Invitation in the *Federal Register*:

Richard D. Tate, Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

and

Randy Stockdale, Resident Manager, Consol. Inc. Exploration Group, Central Shop, 2nd floor, P.O. Box 159, Pinckneyville, Illinois 62274.

Any party electing to participate in this program must share all costs on a pro rata basis with the applicant and with any other party or parties who elect to participate.

Dated: June 3, 1992.

Richard D. Tate,

*Chief, Mining Law and Solid Minerals, Adjudication Section.*

[FR Doc. 92-13751 Filed 6-10-92; 8:45 am]

BILLING CODE 4310-JB-M

[MT-020-08-4121-14; MTM 80697]

## Intent To Hold Scoping Meetings and Prepare an Environmental Analysis on Western Energy's Coal Lease Application—MTM 80697 for Federal Coal Resources Within the Powder River Coal Production Region; Montana

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Notice of intent to hold scoping meetings and prepare an environmental analysis on the proposed lease tracts.

**SUMMARY:** On January 29, 1992, Western Energy Coal Company filed a lease application, MTM 80697, for Federal coal resources within the Powder River Coal Production Region.

The land included in coal lease application MTM 80697 is located in Rosebud County, Montana, and is described as follows:

T. 1 N., R. 39 E., P.M.M.

Sec. 2: S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$

T. 1 N., R. 40 E., P.M.M.

Sec. 6: Lots 1,2,3,4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$

Sec. 8: E $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$

Sec. 14: S $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$

T. 2 N., R. 40 E., P.M.M.

Sec. 32: All

The 2,061.00 acre tract contains an estimated 39.3 million tons of recoverable reserves.

An environmental analysis will be prepared to analyze the proposed lease of these Federal Coal resources and the reasonably foreseeable consequences of this action as well as the impacts of development of the coal. No decision has been made as to whether an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is the appropriate environmental documentation. This will be determined after scoping is complete.

All interested parties, including Federal, state and local agencies are invited to participate in the Environmental Analysis scoping process. The scoping period will begin immediately and will close on August 1, 1992.

The following issues and concerns have been identified:

- Possible impact to the hydrologic resources
- Potential for social and economic impacts to the area
- Potential for social and economic impacts to the Northern Cheyenne and Crow Tribes

- Need for a cultural resource inventory, including cultural properties and traditional lifeway values
- The level of environmental documentation necessary (EA or EIS)

The public is encouraged to present their ideas and views on these and other issues and concerns. All issues and concerns will be considered in the preparation of the environmental analysis.

The scoping process used to collect issues and concerns on the proposed lease application will involve three public meetings and a written comment period which will begin immediately and will close on August 1, 1992.

**SUPPLEMENTARY INFORMATION:** Western Energy is lessee and operator of several Federal coal leases at the Rosebud Mine near Colstrip, Montana. The area applied for is within an existing approved life-of-mine plan, with the exception of a portion of section 14 in T. 1 N., R. 40 E., which is included within the Area B Extension Mine application now under final stages of review by the Montana Department of State Lands and the Office of Surface Mining.

No additional exploration and/or exploratory drilling is anticipated for these areas prior to leasing. Exploration and drilling was conducted in the 1980-1985 era in preparation for the submittal of the Area C Amendment Permit Application and the Area B Extension Permit Application.

The mining production sequence for the proposed lease tracts will be incorporated into the existing mine plan for Area C and the proposed mine plan for Area B Extension.

**DATES:** Written response and comments will be accepted now and through August 1, 1992. Public meetings will be held at the following locations and times:

- (1) July 14, 1992, at 7 p.m. at the Human Resources Building, 417 Willow, Colstrip, Montana 59323
- (2) July 15, 1992, at 7 p.m. at the Big Horn County Court House, 121 W. 3rd Street, Hardin, Montana 59034
- (3) July 16, 1992, at 7 p.m. at the Dull Knife Memorial College, 1ST College Drive, Lame Deer, Montana 59013.

**FOR FURTHER INFORMATION CONTACT:**

All comments and request for additional information should be addressed to Mary Alice Spencer, Area Manager, Bureau of Land Management, Powder River Resource Area, Miles City Plaza,

Miles City, Montana 59301, telephone number (406) 232-7000.  
**Arnold E. Dougan,**  
*Acting Associate District Manager.*  
 [FR Doc. 92-13737 Filed 6-10-92; 8:45 am]  
**BILLING CODE 4310-DN-M**

[OR-030-92-4410-08: 2-245]

**Planning Amendment: Northern Malheur Management Framework Plan**

**AGENCY:** Vale District, Bureau of Land Management, Interior.

**ACTION:** Notice of intent to prepare an amendment to the Northern Malheur Management Framework Plan.

**SUMMARY:** In accordance with 43 CFR 1610.8, the Malheur Resource Area of the Vale District proposes to amend the Northern Malheur Management Framework Plan to address potential designation of the Coal Mine Basin Area of Critical Environmental Concern/Research Natural Area (ACEC/RNA). The proposed ACEC/RNA would be designated to protect unusual paleontological resources and sensitive plant species, including one Candidate 2 species, smooth blazing star, which is under review by the U.S. Fish and Wildlife Service for listing as a federally threatened species.

The 2200 acre area straddles the Oregon-Idaho state line and is located approximately 80 miles south of Ontario, Oregon, in Township 27 South, Range 46 East, Sections 13 and 24 and Township 27 South, Range 46 East, Sections 7, 18, and 19. The proposal would be addressed in the ongoing BLM Boise District's Owyhee Resource Management Plan/Environmental Impact Statement which has been underway since October 11, 1989.

Approximately 788 acres of the proposed area are administered by the Malheur Resource Area, Vale District, with the balance administered by the Owyhee Resource Area, Boise District. Public input on issues, management concerns, data needs and analysis of potential impacts for the Oregon portion of the potential ACEC are requested at this time for 30 days from the date of this notice. Documents pertinent to this proposal may be examined at the address shown below. Issues anticipated in the Owyhee RMP/EIS and related to this specific area are expected to include interpretation and protection of paleontological resources, protection and enhancement of native plant communities and sensitive status species, rangeland resources and locatable mineral resources. The following disciplines are expected to be

represented on the Vale BLM planning team as they support the Boise District RMP effort: paleontology/archaeology, botany, range management, hydrology, wildlife management, geology and recreation management.

The public is invited to participate in the plan amendment scoping at this time by commenting to or visiting the Vale district office. There will be a 90-day public review period of the Draft Owyhee (RMP/EIS in the fall of 1992. There will be a 30-day public review and protest period on the proposed Owyhee RMP/Northern Malheur Plan Amendment in the spring of 1993. Public meetings and comment periods will be announced in the **Federal Register** and local newspapers by the Boise district office. Both Oregon and Idaho state government agencies and local government and native American groups will be notified and briefed, if requested.

Planning criteria to be used include: Policy, legal and regulatory constraints as well as requirements to protect and enhance sensitive plant and animal species, protect and enhance paleontological and cultural resources, consider potential effects on existing or potential and uses and set management objectives to protect the resources identified within the proposed ACEC in a common manner across the state line.

**FOR FURTHER INFORMATION CONTACT:**  
 Ralph Heft, Malheur Resource Area, Bureau of Land Management, 100 Oregon Street, Vale, OR 97918, Telephone (503) 473-3144.

**James E. May,**  
*District Manager.*

[FR Doc. 92-13752 Filed 6-10-92; 8:45 am]  
**BILLING CODE 4310-JB-M**

**Grazing Advisory Board Meeting; Susanville District Grazing Board, Susanville, CA**

**AGENCY:** Bureau of Land Management; Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given that the Susanville District Grazing Advisory Board, created under the Secretary of the Interior's discretionary authority on May 14, 1986, will meet on July 28, 1992.

The July 29 meeting will begin at 10 a.m. at the Susanville District Office, Bureau of Land Management, 705 Hall Street, Susanville, California.

The meeting will consist of setting policy for the leasing of base property and setting standards for livestock control agreements in the Susanville District, an update on the East Lassen Integrated Vegetation Management

Plan, an update on the Wild Horse and Burro Program, a progress report of FY 1992 range improvement projects and a discussion of other items as appropriate.

The meeting is open to the public.

**Summary minutes of the Board**

Meeting will be maintained in the district Office, and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

**Robert J. Sherve,**

*Associate District Manager.*

[FR Doc. 92-13756 Filed 6-10-92; 8:45 am]

BILLING CODE 4310-41-M

[WY-010-02-4410-02]

**Worland District Multiple Use Advisory Council; Meeting**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Meeting of the Worland District (Wyoming) Multiple Use Advisory Council.

**SUMMARY:** This notice provides the schedule and agenda for a field tour and meeting of the Worland District Multiple Use Advisory Council.

**DATES:** A field tour is scheduled to begin at 6:30 a.m. on Tuesday, July 14, 1992 followed with a regular meeting starting at 9 a.m. on Wednesday, July 15, 1992.

**ADDRESSES:** The field tour will begin and end at the Bureau of Land Management's Worland District Office, 101 South 23rd Street, Worland, Wyoming. The regular meeting will be held at the same address.

**FOR FURTHER INFORMATION CONTACT:** George B. Hollis, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401, telephone (307) 347-9871.

**SUPPLEMENTARY INFORMATION:** The agenda for the field tour will include:

1. Riparian Management.
2. Horse Creek Cooperative Study.
3. Hamilton Stewardship Plan.
4. Wilderness Study Areas.
5. Back-Country Byway.
6. Off Road Vehicle Plan—Washakie Resource Area.

The agenda for the regular meeting will include:

1. Field Tour issue discussion.
2. BLM downsizing and Two Tier organization.
3. Animal Damage Control.
4. Major Grass Creek RMP issues.
5. Statements from the public, if any.

The meeting will be open to the public. Interested persons may make oral statements to the Council during the public comment period or may submit

written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the Worland District Manager in writing by June 10, 1992.

Dated: June 3, 1992.

**Darrell C. Barnes,**  
*District Manager.*

[FR Doc. 92-13753 Filed 6-10-92; 8:45 am]  
BILLING CODE 4310-22-M

[ICA-050-02-4333-12]

**Off-Road Vehicle Designation Changes; King Range National Conservation Area**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given related to the use of off-road vehicles in accordance with regulations contained in 43 CFR 8342.3. Approximately 50 acres within the zone lying between the ordinary tide levels (foreshore) from Telegraph Creek in section 9, T.5S., R.1E., HM to Gitchell Creek in Section 20, T.4S., R.1E. HM are temporarily changed from an "OPEN" designation to a "LIMITED" designation. Only those vehicles less than 50 inches in width are allowed to operate in this area.

**DATES:** The effective date of this designation change is June 11, 1992.

**FOR FURTHER INFORMATION CONTACT:** Lynda J. Roush, Area Manager, 1125 16th Street, rm. 219, Arcata, CA 95521 Telephone: (707) 822-7648.

**SUPPLEMENTARY INFORMATION:** The purpose of this designation change is to protect persons, property, and public lands and resources. Due to recent storm activity during the winter of 1992, the access route to the beach zone (previously designated open to all types of vehicles) became too narrow to provide safe passage for vehicles over 50 inches in width. A post and cable barrier was installed to reduce the safety hazard but larger vehicles continued to access the beach area. This temporary designation change will help keep these larger vehicles off this narrow, unsafe access route because the beach will now be closed to this type of use. Once the access route is repaired to provide safe travel by all vehicle types, this notice will no longer remain in effect.

Dated: May 21, 1992.

**Daniel E. Averill,**  
*Acting Area Manager.*

[FR Doc. 92-13754 Filed 6-10-92; 8:45 am]  
BILLING CODE 4310-40-M

[WY-920-41-5700; WYW114528]

**Proposed Reinstatement of Terminated Oil and Gas Lease**

June 3, 1992.

Pursuant to the provisions of 30 U.S.C. 188(d) and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW114528 for lands in Fremont County, Wyoming, was timely filed and was accompanied all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$10.00 per acre, or fraction thereof, per year and 16 2/3 percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW114528 effective February 1, 1992, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Florence R. Speltz,**

*Supervisory Land Law Examiner.*

[FR Doc. 92-13742 Filed 6-10-92; 8:45 am]  
BILLING CODE 4310-22-M

[CA-060-63-7122 08 1016 CACA 27555]

**Realty Action: San Bernardino County, CA**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Amendment to the Notice of Realty Action published in the Federal Register December 13, 1990, Volume 55 Number 240, Pages 51353 and 51354.

**SUMMARY:** This amendment adds the following parcel containing 640 acres to the offered private lands in San Bernardino County for exchange CACA 27555. The exchange will be equalized as stated in the original Notice of Realty Action published December 13, 1990.

**Mount Diablo Meridian, California**

T. 32 S., R. 44 E.

Sec. 21, All;

The surface and all minerals will be conveyed to the United States.

**EFFECTIVE DATE:** June 11, 1992.

**FOR FURTHER INFORMATION CONTACT:** Additional information about this

exchange is available at the Barstow Resource Area Office, 150 Coolwater Lane, Barstow, California 92311 (619) 256-3591, and the California Desert District Office, 6221 Box Springs Blvd., Riverside, California 92507-0714.

For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register** interested parties may submit comments to the District Manager, California Desert District at the above address.

Dated: June 2, 1992.

**Jean Rivers-Council,**  
*Associate District Manager.*

[FR Doc. 92-13755 Filed 6-10-92; 8:45 am]  
BILLING CODE 4310-40-M

[CA-940-5410-10-B027; CACA 29875]

#### Conveyance of Mineral Interests in California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of segregation.

**SUMMARY:** The private lands described in this notice, containing 260.68 acres, are segregated and made unavailable for filings under the United States mining laws, to determine their suitability for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interests will be conveyed in whole or in part upon favorable mineral examination.

The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of land than the mineral development.

#### FOR FURTHER INFORMATION CONTACT:

Judy Bowers, California State Office, Federal Office Building, 2800 Cottage Way, room E-2841, Sacramento, CA 95825, (916) 978-4820.

T. 11 N., R. 13 W., San Bernardino Meridian Sec. 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ E $\frac{1}{2}$  lot 1 NE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$  lot 1 NE $\frac{1}{4}$ , NE $\frac{1}{4}$ W $\frac{1}{2}$  lot 1 NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$  lot 1 NE $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ E $\frac{1}{2}$  lot 1 NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ E $\frac{1}{2}$  lot 1 NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ E $\frac{1}{2}$  lot 1 NW $\frac{1}{4}$ , NW $\frac{1}{4}$ W $\frac{1}{2}$  lot 1 NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ W $\frac{1}{2}$  lot 1 NW $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$  lot 2 NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ W $\frac{1}{2}$  lot 2 NW $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ S $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ S

W $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

**County—Kern**  
**Minerals Reservation—All coal and other minerals.**

Upon publication of this Notice of Segregation in the **Federal Register** as provided in 43 CFR 2720.1-1(b), the mineral interests owned by the United States in the private lands covered by the application shall be segregated to the extent that they will not be subject to appropriation under the United States mining laws. The segregative effect of the application shall terminate by publication of an opening order in the **Federal Register** specifying the date and time of opening; upon issuance of a patent or other document of conveyance to such mineral interests; or two years from the date of publication of this notice, whichever occurs first.

Dated: June 4, 1992.

**Nancy J. Alex,**  
*Chief, Lands Section.*

[FR Doc. 92-13758 Filed 6-10-92; 8:45 am]  
BILLING CODE 4310-40-M

[NV-930-92-4212-14; N-55753]

#### Non-Competitive Sale of Public Lands in Clark County, NV; Notice of Realty Action

The following described public land in Henderson, Clark County, Nevada has been determined to be suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is section 203 of Public Law 94-579, the Federal Land Policy and Management Act of 1976 (FLPMA). The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

**Mount Diablo Meridian, Nevada**

T. 22 S., R. 64 E.  
Sec. 20: E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ S $\frac{1}{4}$ , W $\frac{1}{4}$ .  
Aggregating 140.00 acres (gross)

This parcel of land, situated in Clark County was patented under the Recreation and Public Purposes Act for a golf course on May 9, 1962. The patentee has requested clear title under the Federal Land Policy and Management Act through a direct sale.

This land is not required for any Federal purposes. The sale is consistent with the Bureau's planning system. The sale of this parcel would be in the public interest.

In the event of a sale, conveyance of

the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a \$50.00 nonreturnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945.

2. Oil, gas, sodium, potassium and saleable minerals.

and will be subject to:

1. An easement for streets, roads and public utilities in accordance with the transportation plan for Clark County.

2. Those rights for overhead distribution line purposes which have been granted to Nevada Power Company by Permit No. N-54313 under the Act of October 21, 1976.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with Public Law 94-579, or other applicable laws.

Dated: May 28, 1992.

**Ben F. Collins,**

*District Manager, Las Vegas, NV.*

[FR Doc. 92-13401 Filed 6-10-92; 8:45 am]  
BILLING CODE 4310-HC-M

[UT-942-4212-13; UTU-54732]

**Issuance of Land Exchange Conveyance Document; Utah****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Exchange of public and private lands.

**SUMMARY:** This action informs the public of the conveyance of 180.00 acres of public land out of Federal ownership. This action also opens 121.18 acres of reconveyed lands to operation of the public land laws and 320.73 acres of reconveyed lands to operation of the public land laws including the mining laws.

**FOR FURTHER INFORMATION CONTACT:**

Michael L. Crocker, Bureau of Land Management, Utah State Office, 324 South State Street, P.O. Box 45155, Salt Lake City, Utah 84145-0155, 801-539-4118.

**SUPPLEMENTARY INFORMATION:**

1. The United States has issued an exchange conveyance document to Carbon County, Utah, for the following described lands pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756; 43 U.S.C. 1716:

## Salt Lake Meridian

T. 14 S., R. 10 E.,  
Sec. 14, E½SE¼;  
Sec. 23, E½NE¼NE¼, S½NE¼.

The areas described contain 180.00 acres.

2. In exchange for these lands, the United States acquired the surface estate of the following described lands:

## Salt Lake Meridian

T. 13 S., R. 11 E.,  
Sec. 31, lots 3 and 4.  
T. 14 S., R. 11 E.,  
Sec. 6, lot 4.

3. The United States acquired the surface and mineral estates on the following described land:

## Salt Lake Meridian

T. 13 S., R. 10 E.,  
Sec. 11, SE¼;  
Sec. 14, NW¼NE¼, NE¼NW¼.  
T. 14 S., R. 11 E.,  
Sec. 7, lots 1 and 2.

The areas described aggregate 441.91 acres.

3. At 7:45 a.m., on July 13, 1992, the lands described in paragraph 2 will be open to the operation of the public land laws generally and the lands described in paragraph 3 will be open to the operation of the public land laws and the mining laws generally. These lands

are subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m., on the date state above, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order filing.

4. The purpose of this exchange was to acquire critical deer winter habitat.

James M. Parker,

*State Director.*

[FR Doc. 92-13732 Filed 6-10-92; 8:45 am]

BILLING CODE 4310-DQ-M

[NV-050-4410-08]

**Draft Stateline Resource Management Plan and Environmental Impact Statement****AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability of the Draft Stateline Resource Management Plan (RMP) and Environmental Impact Statement (EIS), Las Vegas District of the Bureau of Land Management (BLM), Nevada. This is also a "Notice" of the proposed designation of 19 areas of critical environmental concern (ACECs).

**SUMMARY:** Pursuant to section 202(f) of the Federal Land Policy and Management Act (FLPMA) of 1976, section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, and 43 Code of Federal Regulations (CFR), part 1610, a draft RMP and EIS for the Stateline Resource Area, Las Vegas District, Nevada, has been prepared and is available for review and comment.

The draft RMP and EIS describes and analyzes future options for managing approximately 3,671,341 acres of public land and approximately 4,684,928 acres of federal mineral estate in Clark County and the southern portion of Nye County, Nevada. It also examines the proposed designation of 19 ACECs and their restrictions on various resource uses within the Stateline Resource Area.

Final approved decisions generated during this planning process will supersede land use planning guidance presented in the Clark County Management Plan (1984) and the Esmeralda-Southern Nye Resource Management Plan (1986), to meet the rapidly changing public land use demands of southern Nevada.

**DATES:** All written comments on the Draft RMP and EIS must be submitted and postmarked no later than September 15, 1992. Oral and written

comments may also be presented at seven scheduled public meetings. All meetings will be held from 7:30 to 10:30 p.m. each evening. The meeting dates and locations are listed below:

Wednesday, July 8, 1992, Las Vegas BLM District Office, 4765 West Vegas Drive, Las Vegas, Nevada.

Thursday, July 9, 1992, Convention Center, 200 Water Street, Henderson, Nevada.

Tuesday, July 14, 1992, Riverside Resort, Laughlin, Nevada.

Wednesday, July 15, 1992, Community Center, Searchlight, Nevada.

Thursday, July 16, 1992, Virgin Valley High School, Mesquite, Nevada.

Tuesday, July 21, 1992, Community Center, Pahrump, Nevada.

Wednesday, July 22, 1992, Las Vegas BLM District Office, 4765 West Vegas Drive, Las Vegas, Nevada.

**ADDRESSES:** Written comments should be addressed to: Stateline Area Manager, Attn: RMP Team Leader, Bureau of Land Management, 4765 Vegas Drive, P.O. Box 26569, Las Vegas, NV 89126.

**FOR FURTHER INFORMATION CONTACT:** Jerry Wickstrom, RMP Team Leader, Bureau of Land Management, P.O. Box 26569, 4765 West Vegas Drive, Las Vegas, Nevada 89126; Phone (702) 647-5000.

**SUPPLEMENTARY INFORMATION:** The Draft RMP and EIS was prepared as a single planning document to provide new management goals, objectives and direction where needed for the Stateline Resource Area. It will also bring forward valid existing management strategies from the two current land use plans.

Five alternatives were considered in detail in the draft RMP. The No-Action Alternative represents a continuation of current management direction within the framework of present laws and regulations, including existing Memoranda of Understanding and Cooperative Agreements. The No-Action Alternative provides a baseline for comparison of the environmental effects of the other alternatives. Alternative A is designed to provide for a full spectrum of public land uses in the traditional sense of multiple use and sustained yield. Consumptive and non-consumptive uses would be balanced. Alternative B would provide maximum opportunities for land-based growth and development needs of the State of Nevada, while continuing to provide for multiple use and sustained yield of the public lands. Alternative C provides for the management of the public lands on an ecosystematic basis, with an

emphasis on biodiversity, non-consumptive uses and the protection and recovery of the desert tortoise in accordance with the Endangered Species Act of 1971, as amended. Alternative D, the BLM's preferred alternative, would continue to allow for multiple use of the public lands, permit maximum flexibility in the disposal of public lands, provide for the protection and recovery of the desert tortoise and allow mining/mineral material extraction under 3809 mining regulations.

While the alternatives establish broad management guidelines and firm direction, considerable flexibility is maintained through continued site and project specific compliance with NEPA, the Endangered Species Act and many other laws and regulations. This Draft RMP is the first step in developing an approved plan that will provide management guidance to BLM for the next 20 years.

ACECs nominated by the public, as well as those recommended by BLM, that met the "relevance" and "importance" criteria as defined in CFR 1610.7-2(a) resulted in 19 ACECs being considered for designation in the Stateline Resource Area. The proposed resource limitations and their impacts have been analyzed in the alternatives of the Draft RMP and EIS. The following is a list of the ACECs and their size as discussed in the BLM's Preferred Alternative:

	Acres
Plute Valley	189,900
Ivanpah	147,860
Pahrump Valley	116,800
Coyote Springs Valley/Mormon Mesa	296,200
Virgin	216,500
Ash Meadows	37,078
Big Dune	1,000
River Mountains	14,600
Armagosa Mesquite	9,600
Hidden Valley District	3,360
Stump Springs Prehistoric/Historic Site	560
Sloan Rock Art Site	320
Crescent Mining Townsite	320
Red Rock Canyon	83,100
Gold Butte Historic Mining Townsite	120
Keyhole Canyon Rock Art Site	160
Bird Spring Archaeological Site	160
Arrow Canyon Archaeological/Paleontological District	3,100
Sunrise Mountain	31,400

Because of the complexity of displaying the resource limitations of each proposed ACEC in this "Notice," we ask the public to refer to the Special Management Areas section for each alternative, especially the Preferred Alternative, in the Draft RMP and EIS.

Public participation has occurred throughout the RMP process to date. A "Notice of Intent" do do the RMP was filed in the **Federal Register** of March 28,

1990. Since that time, several public meetings and mailings were conducted to solicit comments and ideas. Comments presented throughout the process have been considered in the development of this draft RMP.

Copies of the Draft RMP and EIS may be obtained from the Las Vegas District Office. Public reading copies will be available for review at the public libraries of Clark and Nye Counties, all government document repository libraries and at the following BLM locations: Public Room, Office of External Affairs, Main Interior Building, room 5000, 18th and C Streets NW., Washington, DC; Nevada State Office, 850 Harvard Way, Reno, Nevada; and Las Vegas District Office, 4765 West Vegas Drive, Las Vegas, Nevada.

Background information and maps used in developing the draft RMP and EIS are available at the Las Vegas District Office.

Dated: June 3, 1992.

**Billy R. Templeton,**  
*State Director.*

[FR Doc. 92-13733 Filed 6-10-92; 8:45 am]  
**BILLING CODE 4310-HC-M**

**[CO-942-92-4730-12]**

#### Colorado: Filing of Plats of Survey

May 27, 1992.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., May 27, 1992.

The plat representing the dependent resurvey of portions of the Twelfth Standard Parallel North (south boundary, T. 49 N., R. 11 W.), south and east boundaries, and subdivisional lines, and the subdivision of certain sections, T. 48 N., R. 11 W., New Mexico Principal Meridian, Colorado, Group No. 787, was accepted February 10, 1992.

The supplemental plat correcting the notation of the latitudes and longitudes shown on the plat of the dependent resurvey and subdivision of section, T. 50 N., R. 2 W., New Mexico Principal Meridian, Colorado, was accepted February 7, 1992.

These surveys were executed to meet certain administrative needs of this Bureau.

The plat representing the dependent resurvey of the Ninth Standard Parallel North along the south boundary, T. 37 N., R. 11 W. and a portion of R. 10 W., the exterior boundaries, and a portion of the subdivisional lines, and the subdivision of certain sections, T. 36 N., R. 11 W., New Mexico Principal

Meridian, Colorado, Group No. 862, was accepted March 3, 1992.

The plat (in two sheets) representing the dependent resurvey of a portion of the rights-of-way boundaries in sections 26 and 34, T. 3 N., R. 76 W., Sixth Principal Meridian, Colorado, Group No. 884, was accepted February 14, 1992.

The plat representing the dependent resurvey of a portion of the rights-of-way boundaries and the metes-and-bounds survey of lot 17 in section 6, T. 3 N., R. 75 W., Sixth Principal Meridian, Colorado, Group No. 884, was accepted February 11, 1992.

The plat representing the dependent resurvey of portions of the subdivisional lines and the subdivision of section 9, T. 3 N., R. 72 W., Sixth Principal Meridian, Colorado, Group No. 888, was accepted February 11, 1992.

The plat representing the dependent resurvey of portions of the north boundary and subdivisional lines, and the subdivision of sections 4 and 9, T. 6 N., R. 82 W., Sixth Principal Meridian, Colorado, Group No. 902, was accepted February 12, 1992.

The supplemental plat creating new lots 5, 6, 7, and 8, in section 3, T. 15 S., R. 87 W., Sixth Principal Meridian, Colorado, was accepted April 1, 1992.

These surveys were executed to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

**Darryl A. Wilson,**  
*Acting Chief, Cadastral Surveyor for Colorado.*

[FR Doc. 92-13743 Filed 6-10-92; 8:45 am]  
**BILLING CODE 4310-JB-M**

#### National Park Service

##### Antietam National Battlefield; Notice of Availability of the Final Environmental Impact Statement and General Management Plan, Antietam National Battlefield, Sharpsburg, MD

**SUMMARY:** This notice announces the availability of the final environmental impact statement (FEIS) and General Management Plan (GMP) for Antietam National Battlefield. A Summary is also available.

The 30 day no-action period following the Environmental Protection Agency's notice of availability of the FEIS will end 30 days from the date of that notice.

The FEIS/GMP analyzes 3 alternatives for future management and use of Antietam National Battlefield.

The alternatives range from maintaining existing conditions to restoring most of the historic scene. Although the alternatives propose distinct actions, they all share the common objective of preserving Antietam National Battlefield while continuing to provide for visitor understanding and appreciation of its resources and the events that took place there. Alternative A, the no-action alternative, describes the conditions that would exist if current management and strategies were continued.

Alternative B, the proposed action, is the National Park Service's preferred alternative and general management plan. It provides for restoration of the battlefield landscape to its approximate appearance on the eve of the battle of September 17, 1862. It also includes simplifying the automobile tour route so that it focuses on the three main battle phases, incorporating new interpretive features and media to enhance visitor experiences and cooperating with state, local and private entities to ensure preservation of the rural/agricultural landscape inside and adjacent to the battlefield boundary. Alternative C proposes restoration of structures and vegetation patterns to their approximate appearance in 1862, retention of the 1890's tour road system and development of a one-way circulation system. The FEIS/GMP evaluates the environmental consequences of the proposed action and the other alternatives on cultural and natural resources and the socioeconomic environment.

The documents will be available to the public on June 10, 1992. Public reading copies of the FEIS will be available for review at the following locations:

Office of the Superintendent, Antietam National Battlefield, Sharpsburg, Maryland (301) 431-5124.  
Washington County Free Library, 100 S. Potomac St., Hagerstown, (301) 739-3250.

Office of Professional Services, Division of Planning, National Capital Region, North Capital Region, National Park Service, 1100 Ohio Dr., SW., Washington, DC (202) 619-7277.

Office of Public Affairs, National Park Service, Department of Interior, 18th and C Streets, NW., Washington, DC 20240 (202) 208-6843.

For further information contact: Mr. Jacob J. Hoogland, National Park Service, 18 & C Streets, NW., room 3014,

Washington, DC 20240, (202) 208-3163. To request individual copies of the FEIS/GMP or the Summary, please contact: Superintendent Rich Rambur, Antietam National Battlefield, Sharpsburg, Maryland 21782, (301) 432-5124.

The responsible official is Mr. Robert Stanton, Regional Director, National Capital Region, National Park Service.

Dated: June 3, 1992

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 92-13680 Filed 6-10-92; 8:45 am]

BILLING CODE 4310-70-M

Superintendent, Cape Cod National Seashore, Marconi Station, South Wellfleet, Massachusetts 02663, or telephone (508) 349-3785.

For further information, please contact Jeffrey Heywood, Team Captain, or Linda Dahl, Public Information Specialist, Denver Service Center/TEA, P.O. Box 25287, Denver, CO 80225, (303) 969-2410.

Dated: June 3, 1992.

John J. Burchill,

Acting Regional Director.

[FR Doc. 92-13679 Filed 6-10-92; 8:45 am]

BILLING CODE 4310-70-M

#### Cape Cod National Seashore, MA; Public Scoping Meetings

Pursuant to the notification in the April 24, 1992, *Federal Register* (FR 57-15100), and in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the National Park Service (NPS), Cape Cod National Seashore (Seashore), is announcing the schedule for public scoping meetings concerning the preparation of a General Management Plan (GMP) and Environmental Impact Statement (EIS) to assess the impacts of alternative management strategies for the Seashore. A range of alternatives will be formulated for natural and cultural resources protection, visitor use and interpretation, facilities development, and operations.

The NPS will hold public scoping meetings regarding the GMP/EIS as follows:

June 23 (Tuesday), 7 p.m., Eastham Town Hall.  
June 24 (Wednesday), 7 p.m., Wellfleet Elementary School.  
June 25 (Thursday), 7 p.m., Provincetown Town Hall.  
June 26 (Friday), 7 p.m., Truro Elementary School.  
June 27 (Saturday), 9 a.m., Barnstable Town Hall.  
June 29 (Monday), 7 p.m., Chatham Town Hall.  
June 30 (Tuesday), 7 p.m., Orleans Elementary School.

The purpose of these meetings is to obtain both written and verbal comments concerning purpose of the Seashore, appropriate visitor use, and issues that need to be resolved. Persons wishing to provide input to the scoping process may also contact the

#### Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting will be held Saturday, June 13, 1992, at the Glen Echo Town Hall, 6106 Harvard Avenue, Glen Echo, Maryland.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairman, Washington, DC.

Mrs. Dorothy Tappe Grotos, Delaplane, Virginia

Mr. Samuel S.D. Marsh, Bethesda, Maryland

Mr. James F. Scarpelli, Sr., Cumberland, Maryland

Ms. Elise B. Heinz, Arlington, Virginia

Captain Thomas F. Hahn, Shepherdstown, West Virginia

Mr. Rockwood H. Foster, Washington, DC.

Mr. Barry A. Passett, Washington, DC.

Mrs. Jo Reynolds, Potomac, Maryland

Ms. Nancy C. Long, Glen Echo,

Maryland

Mrs. Minny Pohlmann, Dickerson, Maryland

Dr. James H. Gilford, Frederick, Maryland

Mr. Edward K. Miller, Hagerstown, Maryland

Mrs. Sue Ann Sullivan, Williamsport, Maryland

Mr. Terry W. Hepburn, Hancock, Maryland

Mr. Robert L. Ebert, Cumberland, Maryland

Matters to be discussed at this meeting include:

1. Superintendent's Report
2. Old & New business
3. Public comments

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Thomas O. Hobbs, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection six (6) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: June 7, 1992.

**John G. Parsons,**

*Acting Regional Director, National Capital Region.*

[FR Doc. 92-13678 Filed 6-10-92; 8:45 pm]

BILLING CODE 4310-70-M

#### **Preservation of Jazz Advisory Commission; Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act that a public hearing will be held on June 25, 1992, and a Preservation of Jazz Advisory Commission meeting on June 26, 1992, in New Orleans, Louisiana.

The Preservation of Jazz Advisory Commission was established by Public Law 101-499 to advise the Secretary of the Interior in the preparation of a study of the suitability and feasibility of preserving and interpreting the origins of jazz in New Orleans.

The following is the schedule and purpose/agenda for the public hearing and meeting:

Public hearing	Purpose/agenda
—Thursday, June 25, 1992 —4:00-8:00 p.m. —Superdome, Room 19 New Orleans, Louisiana (enter building through Gate G from the Northwest Parking Garage)	—Discussion of preliminary alternative concepts for preserving and interpreting the origins of jazz in New Orleans.

**Note:** The National Park Service has developed preliminary alternative concepts outlined in a Newsletter available at the Jean Lafitte National Historical Park and Preserve

Visitor Center. The Visitor Center is located in the French Quarter at 916 North Peters Street. The Newsletter includes a postage-paid response form for public comments.

Advisory commission meeting	Purpose/agenda
—Friday, June 26, 1992 —9 a.m.-5 p.m. —World Trade Center, 18th Floor Crescent City Conference Room New Orleans, Louisiana	—Report from the Interpretive Subcommittee —Report from the Historic Sites and Structures Subcommittee —Report from the National Park Service on written comments in response to the newsletter —Discuss public comments and range of alternatives —Old Business —New Business

**Note:** If necessary, the Commission Meeting will be extended to Saturday, June 27 at the Customs House, 423 Canal Street, room 223, beginning at 9 a.m. to as late as 5 p.m.

The public hearing and commission meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. The Commission encourages those who wish to make presentations to do so at the June 25, 1992, public hearing. Any member of the public may file a written statement concerning the matters to be discussed before the commission, with the Superintendent, Jean Lafitte National Historical Park and Preserve. The public will also have an opportunity to submit written and oral comments for the record during the hearing.

Persons who wish further information concerning the Newsletter, public hearing and meeting, or who wish to submit written statements may contact Robert Belous, Superintendent, Jean Lafitte National Historical Park and Preserve, U.S. Customs House, 423 Canal Street, room 210, New Orleans, Louisiana 70130-2341, Telephone 504/589-3882.

Minutes of the commission meeting will be available for public inspection eight weeks after the meeting at the office of Jean Lafitte National Historical Park and Preserve.

Dated: May 28, 1992.

**Richard W. Marks,**

*Deputy Regional Director, Southwest Region.*

[FR Doc. 92-13707 Filed 6-10-92; 8:45 am]

BILLING CODE 4310-70-M

#### **Sudbury, Assabet and Concord Rivers Wild and Scenic Study, Massachusetts; Sudbury, Assabet and Concord Rivers Study Committee; Meeting**

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 88 Stat. 770, 5 U.S.C. app. 1 s 10), that there will be a meeting of the Sudbury, Assabet and Concord Rivers Study Committee on Tuesday, June 30, 1992.

The Committee was established pursuant to Public Law 101-628. The purpose of the Committee is to consult with the Secretary of the Interior and to advise the Secretary in conducting the study of the Sudbury, Assabet and Concord River segments specified in section 5(a)(110) of the Wild and Scenic Rivers Act. The Committee shall also advise the Secretary concerning management alternatives should some or all of the river segments studied be found eligible for inclusion in the National Wild and Scenic River System.

The meeting will convene at 7:30 p.m. at the Costin Room, Framingham Public Library, Lexington St., Framingham, MA (to get to the library from intersection of Rtes 9 and 126, go south on Route 126—Concord Street. After four traffic lights, turn right on Lincoln Street. Take first left onto Pearl Street, then turn right at Union. Lexington is the first street on the right).

#### **Agenda**

1. Welcome, introductions—Bill Sullivan;
2. Approval of minutes and ratification of 5/28/92 meeting;
3. Public Involvement Subcommittee report;
4. Resource Inventory update—Cassie Thomas;
5. Opportunity for Public Comments;
6. Other Business;

A. Next Meeting Dates and Location

Dated: June 3, 1992.

**John J. Burchill,**

*Acting Regional Director.*

[FR Doc. 92-13706 Filed 6-10-92; 8:45 am]

BILLING CODE 4310-70-M

#### **History Areas Committee of Advisory Board; Meeting**

**AGENCY:** National Park Service, Interior.  
**ACTION:** Notice.

**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the History Areas Committee of the Secretary of the Interior's National Park System Advisory Board will be held at 9

a.m. on the following date and at the following location.

**DATES:** July 7, 1992.

**LOCATION:** National Park Service Director's Conference Room 3119, Main Interior Building, 1849 C Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Patty Henry, Historian, History Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Telephone (202) 343-8163.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting of the History Areas Committee of the Secretary of the Interior's National Park System Advisory Board is to evaluate studies of historic properties in order to advise the full National Park System Advisory Board meeting on August 10, 1992 of the qualifications of properties being proposed for National Historic Landmark designation, and to recommend to the full Board those properties that the Committee finds meet the criteria of the National Historic Landmarks Program. The members of the History Areas Committee are:

Dr. Holly Anglin Robinson,  
Chairperson

Mr. Robert Burley, FAIA

Mrs. Anne Walker

Judge Robert Flynn Orr

Lt. Governor Connie B. Binsfeld

Mr. Paul F. Cole

Dr. Stuart Kaufman

Mr. F. C. Duke Zeller

The meeting will include presentations and discussions on the national historic significance and the integrity of a number of properties being nominated for National Historic Landmark designation. These nominations include 7 architectural properties located in Alabama, Connecticut, Illinois, Indiana, Michigan, Rhode Island, and Virginia; 2 maritime resources in Connecticut, and Washington; 10 properties being considered for archeology located in Connecticut, Kentucky, Maine, Mississippi, and Rhode Island; 5 sites relating to the women's history theme study in Illinois, Maryland, Ohio, South Carolina, and West Virginia; a westward exploration and settlement site in Arkansas; a site in Virginia dealing with military history; a recreation site in New Jersey; and 3 properties related to the Civil War in Kentucky, Pennsylvania, and South Carolina.

The Committee will consider a potential National Historic Trail, associated with Coronado, extending from Arizona through New Mexico, Texas, and Oklahoma to Kansas, in

order to recommend to the full Board whether the potential trial is of national historic significance. The Committee will also be considering an alternatives study for the preservation and interpretation of historic resources at Dutch Harbor Naval Operating Base and U.S. Defense, Unalaska, Alaska to determine whether to make recommendations to the full Board regarding transmittal of a report on this property to Congress.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Committee a written statement concerning matters to be discussed. Written statements may be submitted to the Senior Historian, History Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.

Dated: June 2, 1992.

**Rowland T. Bowers,**

*Deputy Associate Director, Cultural Resources, National Park Service, WASO.*

[FR Doc. 92-13681 Filed 6-10-92; 8:45 am]

**BILLING CODE 4310-70-M**

#### Affirmation of Previous Determination of Eligibility

On the basis of consideration of the comments received prior to March 20, 1992, as well as all other information collected by the National Park Service, the Battle of Brandy Station, as defined in the Brandy Station Battlefield and Related Locations historic district, was affirmed as meeting National Register of Historic Places criteria for evaluation as originally determined on February 28, 1991. This decision was made by the Keeper of the National Register of Historic Places on April 30, 1992.

Carol D. Shull,

*Chief, Registration, National Register of Historic Places, Interagency Resources Division.*

[FR Doc. 92-13677 Filed 6-10-92; 8:45 am]

**BILLING CODE 4310-70-M**

#### INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32070]

#### Union Pacific Railroad Co. & Washington Central Railroad Co.—Joint Relocation Project Exemption

On May 11, 1992, Union Pacific Railroad Company (UP) and Washington Central Railroad Company (WCRC), filed a notice of exemption under 49 CFR 1180.2(d)(5) to relocate

certain operations in Benton and Yakima Counties, WA. UP operates over a line of rail between Richland (milepost 19.5) and Yakima, WA (milepost 98.0) and over a short segment of line between Midvale (milepost 0.00) and Sunnyvale, WA (milepost 3.21). WCRC's line of rail parallels that of UP's.

The joint project involves (1) a car haulage agreement whereby WCRC will operate over its lines and access segments of UP's track to provide rail service to UP's customers<sup>1</sup>; (2) acquisition of trackage rights by UP; (3) the abandonment of certain segments of UP's existing line; and (4) the construction by WCRC of a connector track at Granger, WA.

Under the joint project UP will abandon approximately 66.13 miles of track.<sup>2</sup> It will retain approximately 12.37 miles of rail line for which WCRC will seek trackage rights.<sup>3</sup> The segments being retained are as follows: (1) Between mileposts 48.2 and 49.52 near Biggam, WA; (2) between mileposts 57.3 (at Elm Street) and 58.75 near Grandview, WA; (3) between mileposts 62.75 and 63.75 near Midvale, WA; (4) between mileposts 73.4 near Granger, WA and 78.5 near Zillah, WA; (5) between mileposts 94.5 and 98.0 to the end at Yakima, WA; and (6) between mileposts 0.00 at Midvale, WA and 3.21 near Sunnyside, WA.

UP is acquiring trackage rights beginning at WCRC's point of connection with UP at Kennewick, WA (milepost 3.20) to Yakima, WA (milepost 89.5) and at Gibbon, WA (milepost 34.4) and Granger, WA (milepost 63.1). Operations by UP over this line of track will not be instituted unless WCRC defaults in providing service to UP's customers pursuant to the car haulage agreement.

The shippers of UP will continue to be served without any disruption of service. There will be no expansion into new territory; nor will there be a change in the existing competitive situation.

The joint relocation project will result in the elimination of duplicate rail lines and provide for a more efficient and effective utilization of railroad equipment and resources. The transaction was to have been consummated on or after May 18, 1992.

<sup>1</sup> The Commission has held that car haulage is a private arrangement between the carriers and does not require Commission approval.

<sup>2</sup> The mileage involved in the incidental abandonment was modified by letter dated May 11, 1992, and further modified by letter dated May 24, 1992.

<sup>3</sup> The notice of exemption indicates that WCRC will file a trackage rights application to operate over those segments of line being retained by UP.

The Commission will exercise jurisdiction over the abandonment and/or construction component of a relocation project only where the proposal involves, for example, a change in service to shippers, expansion into new territory, or a change in existing competitive situations. See, generally, *Denver & R.G.W.R. Co.—Jt. Proj.—Relocation over BN*, 4 I.C.C.2d 95 (1987). Under these standards, the abandonment and construction of track are not subject to the Commission's jurisdiction. The remainder of the joint relocation project involving UP's acquisition of overhead trackage rights over WCRC's line qualifies under the class exemption procedures at 49 CFR 1180.2(d) that line relocations embrace trackage rights transactions (5) and (7). The Commission has determined such as the one proposed here. See *D.T. & I.R.—Trackage Rights*, 363 I.C.C. 878 (1981).

As a condition to the use of this exemption, any employees affected by the trackage rights agreement will be protected by the conditions in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast RY., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and as clarified in *Wilmington Term. R.R., Inc.—Pur. & Lease—CSX Transp. Inc.*, 6 I.C.C.2d 799 (1990), *aff'd sub nom. Railway Labor Executives Ass'n v. ICC*, 930 F.2d 511 (6th Cir. 1991).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Joseph D. Anthofer, 1416 Dodge Street, room 830, Omaha, NE 68170.

Dated: May 18, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-13770 Filed 6-10-92; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### National Cooperative Research Act of 1984, Agricultural Container Research Council, Inc.

Notice is hereby given that, on May 19, 1992, pursuant to section 8(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Agricultural Container Research Council, Inc. filed a written notification simultaneously with the Attorney General and the Federal Trade

Commission. The notification discloses (1) the identities of the parties to the Council and (2) the nature and objectives of the Council. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the project and its general areas of planned activity are given below.

The parties to the Council are: American Cyanamid Company, Wayne, New Jersey; BASF Corporation, Research Triangle Park, North Carolina; Cenex/Land-O'Lakes, St. Paul, Minnesota; CIBA GEIGY Corporation, Greensboro, North Carolina; DowElanco, Indianapolis, Indiana; E.I. Dupont de Nemours & Co., Wilmington, Delaware; Ecogen, Inc., Langhorne, Pennsylvania; FMC Corporation, Philadelphia, Pennsylvania; Helena Chemical, Memphis, Tennessee; Hoechst-Roussel Agri-Vet Co., Somerville, New Jersey; ICI Agricultural Products, Wilmington, Delaware; ISK Bio-Tech, Mentor, Ohio; Miles, Inc., Kansas City, Missouri; Monsanto Agricultural Company, St. Louis, Missouri; Nor-Am Chemical Co., Wilmington, Delaware; PBI/Gordon Corporation, Kansas City, Missouri; Rhone-Poulenc Ag Company, Research Triangle Park, North Carolina; Rohm and Haas, Philadelphia, Pennsylvania; Sandoz Agro Inc., Des Plaines, Illinois; Terra International, Sioux City, Iowa; Uniroyal Chemical Company, Bethany, Connecticut; United Agriproducts, Tampa, Florida; and Valent, Walnut Creek, California.

The objective of the Council is to promote the interests of manufacturers, formulators and packagers of agricultural crop protection or specialty pest control products, micro-nutrient/fertilizer products and/or adjuvants packaged and/or distributed for end-use markets in North America by (a) conducting research regarding potentially acceptable uses of material recovered from empty and properly rinsed containers; (b) making the results of such research available to the general public, including federal, state, local and foreign environmental regulatory authorities; (c) developing and supporting a collection and utilization program for empty and properly-rinsed containers; and (d) protecting the interests of the Council and research data under the Federal Insecticide, Fungicide and Rodenticide Act, as amended ("FIFRA"), and comparable state laws.

Membership in the Council remains open, and the parties intend to file

additional written notification disclosing all changes in membership to this Council.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-13744 Filed 6-10-92; 8:45 am]

BILLING CODE 4410-01-M

#### National Cooperative Research Act of 1984; National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, pursuant to section 8(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the National Center For Manufacturing Sciences, Inc. ("NCMS"), on April 23, 1992, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership and describing the status of its research projects. The notification was filed for the purpose of maintaining the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following companies recently were accepted as active members of NCMS:

A.I. Technology, Inc., Trenton, New Jersey 08618

Cadkey Inc., Windsor, Connecticut 06095  
Cincinnati Milacron, Inc., Cincinnati, Ohio 45209

Diffracto Limited, Inc., Windsor, Ontario, Canada N8T3B7

Forming Technologies, Incorporated, Oakville, Ontario, Canada L6M2G2

Kohol Systems, Inc., Dayton, Ohio 45459  
Light Machines Corporation, Manchester, New Hampshire 03190-5317

Poly Circuits, Inc., Bensenville, Illinois 60106  
Thixomat, Inc., Ann Arbor, Michigan 48104

The following organizations recently were accepted as affiliate members of NCMS:

American Electroplaters and Surface Finishers Society, Inc., Orlando, Florida 32826

Arizona Department of Education, Phoenix, Arizona 85007

Center for Process Analytical Chemistry, Seattle, Washington 98195

Composites Automation Consortium, Burbank, California 91505-1055

DemMaTec Foundation, Inc., Rolla, Missouri 65401-2124

Electronics Manufacturing Productivity Facility, Indianapolis, Indiana 46202

National Center for Tooling and Precision Components, Toledo, Ohio 43607

New Mexico State University, Las Cruces, New Mexico 88003

Valencia Community College, Orlando, Florida 32802

Also, Industrial Machining Services, Inc., Zeeland, Michigan 49464 recently

resigned from active NCMS membership, and, because it was acquired, the active NCMS membership of Measurex Automation Systems, Inc., Cupertino, California 95014 was terminated. Finally, the name of the National Machine Tool Builders Association, McLean, Virginia 22102-4269, a NCMS affiliate member, has changed to The Association for Manufacturing Technology.

Except as indicated above, no other changes have been made in the membership, objectives, or planned activities of NCMS.

On February 20, 1987, NCMS filed its original notification pursuant to section 6(a) of the Act, notice of which the Department of Justice published in the *Federal Register* pursuant to section 6(b) of the Act on March 17, 1987 (52 FR 8375). NCMS filed additional notifications on April 15, 1988, and May 5, 1988, notice of which the Department published in the *Federal Register* on June 2, 1988 (53 FR 20194). NCMS also filed additional notifications on July 11, 1988, September 13, 1988, December 8, 1988, March 9, 1989, August 10, 1989, November 3, 1989, January 29, 1990, April 27, 1990, July 31, 1990, November 7, 1990, February 5, 1991, March 18, 1991, April 29, 1991, July 25, 1991, October 31, 1991, and January 27, 1992, notices of which the Department published in the *Federal Register* on August 19, 1988 (53 FR 31771), November 4, 1988 (53 FR 44680), January 18, 1989 (54 FR 2006), April 13, 1989 (54 FR 14878), September 18, 1989 (54 FR 38481), November 29, 1989 (54 FR 49122), February 28, 1990 (55 FR 7045), June 5, 1990 (55 FR 22964), August 28, 1990 (55 FR 35194), December 10, 1990 (55 FR 50786), March 12, 1991 (56 FR 10444), May 16, 1991 (56 FR 22740-41), June 13, 1991 (56 FR 27273), September 4, 1991 (56 FR 43796), February 3, 1992 (57 FR 4062), and March 11, 1992 (57 FR 8675-76), respectively.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 92-13745 Filed 8-10-92; 8:45 am]

BILLING CODE 4410-01-M

#### National Cooperative Research Act of 1984—Feasibility Study on Using Molecular Sieves for Diesel NO<sub>x</sub> Control

Notice is hereby given that, on May 7, 1992, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 et seq. ("the Act"), Southwest Research Institute ("SwRI") filed a written notification

simultaneously with the Attorney General and the Federal Trade Commission disclosing the addition of a party to its project entitled "Feasibility Study on Using Molecular Sieves for Diesel NO<sub>x</sub> Control". The notification was filed for the purposes of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, SwRI advised that Cummins Engine Company, Columbus, Indiana (effective February 11, 1992) has become a party to the project.

No other changes have been made in either the membership or planned activity of the project.

On July 1, 1991, SwRI filed its original notification pursuant to section 6(a) of the Act. The Department of Justice ("The Department") published a notice in the *Federal Register* pursuant to section 6(b) of the Act on July 29, 1991, 56 FR 35877. On September 19, 1991, SwRI filed an additional written notification. The Department published a notice in the *Federal Register* in response to the additional notification on November 5, 1991, 56 FR 56528. On November 25, 1991, SwRI filed an additional written notification. The Department published a notice in the *Federal Register* in response to the additional notification on January 14, 1992, 57 FR 1493-1494. On February 28, 1992, SwRI filed an additional written notification. The Department published a notice in the *Federal Register* in response to the additional notification on April 23, 1992, 57 FR 14850-14851. Additionally, a correction notice to the November 5, 1991 notice was published on December 17, 1991, 56 FR 65541.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 92-13745 Filed 6-10-92; 8:45 am]

BILLING CODE 4410-01-M

#### Lodging of Consent Decree in United States v. Ariens Co., et al.

In accordance with section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), and the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States v. Ariens Company, et al.*, Civil Action No. 91-0999, was lodged with the United States District Court for the Western District of Wisconsin on June 1, 1992. This action was brought to remediate soil contamination at the "Lemberger Landfill, Inc. Site," and groundwater contamination beneath and in the vicinity of the "Lemberger

Landfill, Inc. Site" and the "Lemberger Transport & Recycling Site." (See the National Priorities List in 40 CFR part 300, appendix B) which are located within a quarter a mile of each other in Manitowoc County, Franklin Township, Wisconsin, and for the recovery of costs expended by the United States in connection these sites.

The proposed consent decree is entered into between Co-Plaintiffs, the United States and the State of Wisconsin, and eleven entities that have been identified as potentially responsible parties ("PRPs") with respect to the Lemberger Landfill Site or the Lemberger Transport & Recycling Site, or both. Under the proposed decree, the group of eleven "Settling Defendants" will finance and perform a remedy which the United States Environmental Protection Agency ("U.S. EPA") previously selected. The main components of the remedial action that will be implemented by Settling Defendants include: (1) placing a clay cap over, and constructing a slurry wall around, the Lemberger Landfill Site; (2) constructing and operating a gas venting system for the Lemberger Landfill Site; (3) installing and operating a groundwater extraction and treatment system aimed at capturing the contaminated groundwater beneath the Lemberger Landfill Site and the Lemberger Transport & Recycling Site; and (4) installing a security fence, and posting warning signs around the Lemberger Landfill Site. The Settling Defendants responsible for implementing the remedial action include Ariens Company, GTE North Company, Inc., Holy Family Memorial Medical Center, Inc., the Manitowoc, Newell Company, Primerica Holdings, Inc., Shade Information Systems Inc., Sheboygan Paint Company, Inc., and Weyerhaeuser Company.

In addition, under the proposed decree, the eleven Settling Defendants have agreed to pay the United States \$700,000 in partial reimbursement of past costs incurred by the United States, and approximately \$88,000 in past costs incurred by the State of Wisconsin, in connection with the Lemberger Landfill Site and the Lemberger Transport & Recycling Sites. The Settling Defendants have also agreed to pay future oversite costs of the United States and the State of Wisconsin.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources

Division, Department of Justice, Washington, DC 20503. All comments should refer to *United States v. Ariens Company, et al.* DJ Ref. # 90-11-2-712.

The proposed consent decree may be examined at the Office of the United States Attorney for the Eastern District of Wisconsin, 330 Federal Building, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202; the Region V Office of the U.S. Environmental Protection Agency, 77 West Jackson Street, Seventh Floor, Chicago, Illinois 60604; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW, Washington, DC 20004 (202-347-2072). A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW, Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of \$24.00 (twenty-five cents per page reproduction costs) payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment & Natural Resources Division.  
[FR Doc. 92-13673 Filed 6-10-92; 8:45 am]

BILLING CODE 4410-01-M

#### Chaparral Steel Co., Lodging of Consent Decree

In accordance with Department of Justice policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 3, 1992, a proposed Consent Decree in *United States v. Chaparral Steel Company*, Civil Action No. CA-3-91-0392-H, was lodged with the United States District Court for the Northern District of Texas. The Complaint against the Defendant, Chaparral Steel Company, was brought pursuant to section 3008(a) and (g) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6928(a) and (g), for alleged violations of the land disposal regulations established pursuant to RCRA Subtitle C, 42 U.S.C. 6921-6939b, and set forth at 40 CFR part 268. The Complaint set forth a claim against Chaparral Steel for illegally disposing electric arc furnace baghouse dust in Chaparral's on-site landfill after the effective date of land disposal regulations banning such disposal.

The proposed Consent Decree requires the Defendant Chaparral Steel Company to pay a civil penalty of \$221,125.00. Defendant has also agreed to commence implementation of the

amended closure plan for the landfill into which the waste was illegally disposed after the plan is approved by the Texas Water Commission.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States v. Chaparral Steel Company*, D.J. Ref. No. 90-7-1-597.

The proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Texas, Dallas Division, U.S. Federal Building and Courthouse, room 18G28, 1100 Commerce Street, Dallas, Texas 75242; at the Region 6 Office of the Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW, Washington, DC 20004, (202) 347-7829. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW, Box 1097, Washington, DC 20004, (202) 347-7829. In requesting copies, please enclose a check in the amount of \$6.75 (25 cents per page reproduction cost) payable to the "Consent Decree Library."

Roger Clegg,

Acting Assistant Attorney General, Environment and Natural Resources Division.  
[FR Doc. 92-13765 Filed 6-10-92; 8:45 am]

BILLING CODE 4410-01-M

#### Folkertsma, et al.; Lodging of Consent Decree

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on May 29, 1992, a proposed Consent Decree in *United States v. Folkertsma, et al.* (Civil Action No. 1:92-CV-365 was lodged with the United States District Court for the Western District of Michigan. The proposed Consent Decree concerns the hazardous-waste site known as the Folkertsma Refuse Site (the "Folkertsma Site") located in the City of Walker, Kent County, Michigan. The proposed Consent Decree requires the settlers, which include the owner of the Folkertsma Site, a former Site operator, and nine generators of hazardous substances sent to the Folkertsma Site, to perform and finance the final remedy set forth in the Record of Decision with respect to the Site issued by the U.S.

Environmental Protection Agency on July 28, 1991. In addition, the settlers will reimburse the United States for a portion of its response costs associated with the Folkertsma Site. Under the terms of the Consent Decree, the United States will recover approximately \$919,000 of its past response costs.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20530, and should refer to *United States v. Folkertsma, et al.* and D.J. reference 90-11-2-686. The proposed Consent Decree may be examined at the office of the United States Attorney, Western District of Michigan, Gerald R. Ford Federal Building and U.S. Courthouse, 110 Michigan Street NW, room 399, Grand Rapids, Michigan 49503; at the Region V Office of the Environmental Protection Agency, 77 West Jackson Boulevard, 7th Floor, Chicago, Illinois 60604; and at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue NW, Washington, DC 20530, (202) 347-2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of \$37.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.  
[FR Doc. 92-13764 Filed 6-10-92; 8:45 am]

BILLING CODE 4410-01-M

#### DEPARTMENT OF LABOR

##### Pension and Welfare Benefits Administration

[Application No. D-8955, et al.]

##### Proposed Exemptions; CISCO Systems, Inc., et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of

the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

#### Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** notice. Comments and request for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

**ADDRESSES:** All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N-5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

#### Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

**SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective

December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

#### Cisco Systems, Inc. Located in Menlo Park, California

[Application No. D-8955]

#### Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) a proposed loan (the Loan) by Cisco Systems, Inc. (the Employer) to the Cisco Systems, Inc. 401(k) Plan (the Plan), which is sponsored by the Employer, with respect to group annuity contract GA 07049-0000 (the GAC) issued by Mutual Benefit Life Insurance Company of New Jersey (Mutual Benefit); and (2) the Plan's potential repayment of the Loan (the Repayments); provided that (a) all terms of such transactions are no less favorable to the Plan than those which the Plan could obtain in arm's-length transactions with an unrelated party, (b) no interest and/or expenses are paid by the Plan, (c) the Loan is made only in lieu of payments due from Mutual Benefit with respect to the accumulated book value of the GAC at the time of the Loan, (d) the Repayments are restricted to the amounts, if any, paid to the Plan by Mutual Benefit or other responsible third parties with respect to the GAC (the GAC Proceeds), (e) the Repayments do not exceed the total amount of the Loan, and (f) the Repayments are waived to the extent the Loan exceeds the GAC Proceeds.

#### Summary of Facts and Representations

1. The Plan is a defined contribution plan with approximately 450

participants and assets of approximately \$3,397,720.43 as of October 31, 1991. The Employer is a Delaware public corporation with its principal place of business in Menlo Park, California, and is engaged in the development, manufacture and marketing of internetworking products. The trustee of the Plan is First National Bank of Boston (the Trustee). Since June 8, 1989, investment decisions of behalf of the Plan have been made by a committee (the Committee) comprised of two officers and one employee of the Employer. The Employer represents that between September 1, 1988 and June 8, 1989, such investment decisions were made by Lloyd Embry (Embry), who was a trustee of the Plan and the Employer's chief financial officer during such period.

2. Contributions to the Plan on behalf of Plan participants are maintained in individually-directed participant accounts (the Accounts). Participants may invest their Account balances among various investment funds (the Funds), including a guaranteed investment fund (the G Fund) designed for investments in guaranteed investment contracts issued by insurance companies. Participants whose Accounts are invested in the G Fund are entitled, on scheduled dates occurring quarterly (the Direction Dates), to direct withdrawals from their G Fund Account balances in order to fund Account distributions upon employment termination or under hardship conditions, transfers by participants of their Account balances from the G Fund to another Fund, and participant loans (collectively, the Withdrawal Events). The sole asset of the G Fund is the GAC, a benefit-responsive group annuity contract which was purchased for the Plan by Embry and issued by Mutual Benefit on February 23, 1989, with an effective date of September 1, 1988.

3. The terms of the GAC provide for the establishment and maintenance of a separate sub-fund (the Sub-funds) for deposits during each defined deposit year. Each Sub-fund provides its own guaranteed interest rate (the Contract Rate) and maturity date (the Maturity Date). The Sub-funds are described as follows:

Sub-fund #1: Consisting of contributions deposited from September 1, 1988 through July 31, 1989, providing a Contract Rate of 9.10 percent, and maturing on July 31, 1992;

Sub-fund #2: Consisting of contributions deposited from August 1, 1989 through July 31, 1990, providing a Contract Rate of 8.90 percent, and maturing on July 31, 1993;

Sub-fund #3: Consisting of contributions deposited from August 1, 1990 through July 31, 1991, providing a Contract Rate of 9.10 percent during the deposit year and a Contract Rate of 8.60 percent in all future years, and maturing on July 31, 1995;

Sub-fund #4: Consisting of contributions deposited from August 1, 1991 through July 31, 1992, providing a Contract Rate of 8.10 percent during the deposit year and a Contract Rate of 7.60 percent in all future years, and maturing on July 31, 1996.

Under the GAC terms, withdrawals from the Sub-funds by the Plan prior to the Maturity Dates (the Withdrawals) are authorized to fund the Withdrawal Events with respect to Accounts invested in the G Fund. The Employer represents that the Sub-funds had a combined accumulated book value of \$1,118,385.70 as of September 12, 1991, representing total principal deposits in the Sub-funds plus accrued interest at the Contract Rates, less previous Withdrawals. The Employer represents that the GAC constituted approximately 22 percent of the Plan's total assets as of March 31, 1992.

4. On July 16, 1991 Mutual Benefit was placed in conservatorship and rehabilitation by the insurance commissioner of the State of New Jersey (the Commissioner), and the Superior Court of New Jersey imposed a moratorium on maturity and most other payments with respect to Mutual Benefit group annuity contracts (the Moratorium), including the GAC held by the Plan.<sup>1</sup> The Commissioner and Mutual Benefit are proceeding with the development of a plan of rehabilitation with respect to all of Mutual Benefit's obligations outstanding as of the commencement of the rehabilitation. Because of the Moratorium, no Withdrawal Events have been funded by the G Fund since Mutual Benefit was placed in conservatorship. The Employer represents that under prevailing circumstances it is unknown whether or when Mutual Benefit will resume payments on its obligations, and that it is unlikely that Mutual Benefit will resume timely payments for Withdrawals or make timely payments upon the Maturity Dates of the Sub-funds. Additionally, the Employer is concerned that there is some risk that

Mutual Benefit will be unable to pay the full value of the GAC Sub-Funds at any time.

The Employer represents that the adverse developments surrounding Mutual Benefit have created anxiety among participants whose Accounts are invested in the G Fund. Additionally, as a result of these developments, the Employer represents that the Plan's inability to make Withdrawals prevents the Plan's performance of obligations with respect to participants whose Accounts are invested in the G Fund. In order to relieve the anxieties of interested Plan participants, and to preserve the G Fund's investment in the GAC, the Employer proposes the Loan, and has requested an exemption for the Loan, and for the potential Repayments of the Loan, under the terms and conditions described herein.

5. The Loan and the Repayment will be detailed in an agreement (the Agreement) between the Employer and Trustee. The Agreement will authorize the Loan in an amount sufficient to enable Plan participants to transfer their Account balances, and to make any other Withdrawals to which they are entitled as of a certain date (the Direction Date), determined on the basis of principal deposits under the GAC plus accrued interest at the applicable Contract Rates as of the Direction Date (the Face Value).

The Employer proposes to announce to affected Plan participants the availability of funds from the G Fund, for termination and hardship distributions, withdrawals, loans and transfers out of the G Fund, during a limited time period (the Window Period). The Window Period will commence on the date the requested exemption, if granted, is published in the *Federal Register* and will close on September 30, 1992, which is the Direction Date. The Direction Date occurs on one of the regular quarterly dates which are designated under the Plan for participants to enter their investment directions with respect to their Account balances. Distributions, withdrawals, loans and transfers which are directed by participants during the Window Period will be executed as of the September 30, 1992 Direction Date, and Plan participants will be informed that their directions will be effective as of that date.

With respect to Accounts invested in the G Fund, only participant requests entered during the Window Period will be honored. Participant requests for distributions, withdrawals, loans, and transfers from the G Fund will be accepted during the Window Period and

then will be funded with the Loan, a single, lump-sum payment by the Employer to the Plan in the amount necessary for the G Fund to distribute amounts due as of September 30, 1992 to all participants who entered requests during the Window Period. The Employer's obligation to make the Loan is reduced, with respect to each participant request, by the amount, if any, paid by Mutual Benefit, or by its successors, assigns, or guaranty fund or other responsible third party (collectively, the GAC Payors), with respect to Mutual Benefit's obligations under the GAC to fund such participant request.

The Agreement provides that the Loan is to be repaid, if at all, solely from any proceeds (the GAC Proceeds) which the Plan receives from Mutual Benefit or the GAC Payors with respect to Mutual Benefit's obligations under the GAC. The Plan will not be charged any interest or other expenses for the Loan. To the extent the Loan exceeds the total GAC Proceeds, the Plan will be under no obligation to repay such amounts, and repayment of such amounts will be waived.

6. In summary, the applicant represents that the proposed transaction satisfies the criteria of section 408(a) of the Act for the following reasons: (1) Plan participants whose Accounts are invested in the G Fund will be able to avoid any further risk and uncertainty with respect to payments due from Mutual Benefit under the GAC; (2) The proposed transaction will enable the G Fund to accomplish all withdrawal Events requested during the Window Period; (3) The affected Accounts in the G Fund will receive Withdrawals based on the full Face Values under the GAC as of September 30, 1992, without any reductions attributable to the Mutual Benefit conservatorship; (4) The Plan will pay no interest or expenses with respect to the Loan; (5) The Repayments, if any, of the Loan will be limited to the GAC Proceeds; and (6) the Repayments will be waived to the extent the Loan exceeds the GAC Proceeds.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Cappuccio, Inc. Defined Benefit Pension Trust (the Plan) Located in Monterey, California**

[Application No. D-8960]

#### Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act

<sup>1</sup> The Department notes that the decision to acquire and hold the GAC is governed by the fiduciary responsibility requirements of part 4, subtitle B, title I of the Act. In this proposed exemption, the Department is not proposing relief for any violations of part 4 which may have arisen as a result of the acquisition and holding of the GAC.

and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash sale by the Plan of certain improved real property (the Property) to Frank Cappuccio (Mr. Cappuccio), a party in interest with respect to the Plan; provided that the Plan receives the greater of either: (i) \$1,100,000; (ii) the total costs the Plan has incurred with respect to the acquisition of the land and the construction of the improvements on the Property, plus any operational expenses which may exceed the rental income on the Property, as of the date of sale; or (iii) the fair market value of the Property as of the date of sale, as appraised by an independent, qualified real estate appraiser.

#### Summary of Facts and Representations

1. The Plan is a defined benefit plan which, as of December 2, 1991, had seven participants and total assets of \$2,940,935. The trustees of the Plan (the Trustees) are Mr. Cappuccio and Judy Morgan. The Trustees are affiliates of Cappuccio, Inc. (the Employer), the Plan's sponsor. Mr. Cappuccio owns 94% of the outstanding stock of the Employer. The Employer is a California corporation engaged in the business of processing and packing seafood. The Employer's principal place of business is located at 595 Figueroa Street in Monterey, California.

2. The Property consists of land and a building (the Building) located at 659 Albredo Street in Monterey, California. The Property contains approximately 10,000 square feet of level land which is essentially all covered by the Building and a small parking lot. The Building is a two-story, wood framed, stucco veneer structure that is approximately seven years old. The Building provides office space for multiple commercial tenants, all of whom are unrelated to the Employer and its affiliates. The Building has not been leased to, or used by, a party in interest with respect to the Plan. In addition, neither the Employer nor its affiliates own any property which is adjacent to the Property.

3. The land on the Property was purchased by the Plan from Pacific Southwest Realty Company, an unrelated party, in December 1983 for \$400,000. Thereafter, the Plan paid \$631,364 for the construction of the Building and other improvements,

making the Plan's total costs for the Property approximately \$1,031,364.<sup>2</sup> The applicant states that as of August 31, 1991, the Plan had received a total of approximately \$765,220 in rental income from the Property and incurred a total of approximately \$167,156 in operational expenses, making the Plan's net income approximately \$598,064 as of such date.

The Property was acquired by the Plan as an investment which, at the time of acquisition, was expected to appreciate significantly in value. However, the applicant states that the market for commercial real estate in the Monterey area has recently been depressed and that most properties require approximately a two year selling period. The applicant believes that the value of the Property may decline significantly during the next few years due, in part, to the announced closure by mid-1994 of Fort Ord, a U.S. military base located near Monterey.

4. The Property was appraised on December 2, 1991 by Edward J. O'Connor of Seyferth Associates (the Appraiser), an independent, qualified real estate appraiser in Pacific Grove, California. The value of the Property was appraised in fee simple as encumbered by the existing leases to the Building's tenants. The Appraiser states that the Property had a fair market value of \$1,010,000, as of December 2, 1991. The Appraiser's valuation of the Property relied mostly on the income approach to value. The Appraiser capitalized the current income producing potential for the Property based on the present year's income under the existing leases and a five year projection for future income and expenses. This approach allowed the Appraiser to take into consideration the impact of a reduction in rental income on the value of the Property during the next few years when many of the existing leases are due to expire. However, the Appraiser's valuation of the Property based on sales of similar properties in the Monterey area during the last three years indicated that the Property would be worth approximately \$1,100,000, as of the date of the appraisal. The Trustees have reviewed the findings of the Appraiser and

<sup>2</sup> The Department expresses no opinion in this proposed exemption as to whether the acquisition of the land on the Property and the construction of the Building violated any provision of part 4 of title I of the Act. In this regard, the Department notes that section 404(a)(1) of the Act requires, among other things, that a fiduciary of a plan act prudently, solely in the interest of the plan's participants and beneficiaries, and for the exclusive purpose of providing benefits to participants and beneficiaries when making investment decisions on behalf of a plan.

propose to sell the Property for at least \$1,100,000 (as discussed below).

5. The Trustees represent that it would be in the best interests of the Plan and its participants and beneficiaries to sell the Property. The Trustees propose to sell the Property to Mr. Cappuccio for cash. Mr. Cappuccio is willing to pay at least \$1,100,000 for the Property, which is the current market value established by the Appraiser's sales comparison approach (see Item 4 above). Such an amount would ensure that the Plan is at least made "whole" for the total costs incurred by the Plan for the acquisition of the land on the Property and the construction of the Building. However, the operational expenses incurred by the Plan for the Property will not be considered part of the Plan's total costs because such expenses have been offset each year by the rental income received from the Property. The Trustees will obtain an updated appraisal of the Property prior to the proposed sale. In addition, the Trustees will review all of the Plan's costs with respect to the Property, including any operational expenses which may exceed the rental income from the Property, prior to the transaction. The applicant represents that in no event will the Plan receive less than the higher of either: (i) The fair market value of the Property as currently appraised under the Appraiser's sales comparison approach (i.e. \$1,100,000); (ii) the total costs incurred by the Plan for the acquisition of the land on the Property and the construction of the Building, plus any operational expenses which may exceed the rental income on the Property, as determined by the Trustees as of the date of sale; or (iii) the fair market value of the Property at the time of the transaction as established by an independent, qualified appraiser.

6. The applicant states that the proposed transaction will allow the Plan to dispose of the Property for its fair market value without a prolonged wait for a prospective buyer. The Plan will not pay any commissions or other expenses with respect to the sale. Thus, the Plan will save the transaction costs, such as a real estate commission equal to 6% of the sales price, which would normally be associated with such a sale. In addition, the proposed transaction will relieve the Plan of the risk of securing adequate rental income for the Building during the next few years. The Trustees believe that the announced closure of Fort Ord will have a negative impact on the commercial real estate market in the area and may affect the rental income which the Plan will receive from the Building. Finally, the

proposed transaction will allow the Plan to diversify its investment portfolio and meet certain liquidity needs associated with paying benefits to participants during the next few years.

7. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act and section 4975(c)(2) of the Code because: (a) The sale of the Property to Mr. Cappuccio will be a one-time transaction for cash; (b) the Plan will receive an amount which will be no less than the greater of either the fair market value of the Property as currently appraised under the Appraiser's sales comparison approach (i.e. \$1,100,000), the total costs incurred by the Plan with respect to the acquisition of the land on the Property and the construction of the Building, plus any operational expenses which may exceed rental income, as of the date of sale, or the fair market value of the Property as of the date of sale, as established by an independent, qualified appraiser; (c) the Plan will not pay any commissions or other expenses with respect to the sale; and (d) the transaction will allow the Plan to sell the Property within a reasonable time in order to meet certain investment objectives and liquidity needs of the Plan.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. E.F. Williams of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

**The Equitable Life Assurance Society of the United States (Equitable) and Equitable Real Estate Investment Management, Inc. (EREIM)**

[Exemption Application No. D-8708]

#### Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of sections 408(a) and 408(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) the lease (the Lease) of 16,560 square feet of office space and 1,215 square feet of storage space in One Bush Plaza, a commercial office building located in San Francisco, California, by the Asset Enhancement Fund (AEF), a pooled separate account established by Equitable, to EREIM, or to the renewal of the Lease for an additional term not

in excess of five years (the Lease Renewal) provided that: (a) The Lease and the Lease Renewal are for a limited term; (b) the terms of the Lease and the Lease Renewal are negotiated and approved by a qualified independent fiduciary who determines that the terms of the transactions are no less than fair market value and at least as favorable to AEF as the terms would have been in arm's length transactions between unrelated parties; and (c) the independent fiduciary continues to monitor the Lease and the Lease Renewal on behalf of AEF.

**EFFECTIVE DATE:** This exemption, if granted, will be effective April 27, 1991.

#### Summary of Facts and Representations

1. Equitable is a mutual life insurance company organized under the laws of the State of New York. Equitable is licensed to do business in all fifty states and the District of Columbia. It is one of the largest insurance companies in the United States and one of the largest managers of employee benefit plan assets in the United States. As of December 31, 1990, Equitable had total assets of approximately \$60.5 billion and, together with its affiliates, a total of approximately \$72.9 billion of employee benefit plan assets under its management.

2. In 1984, Equitable created EREIM, a wholly-owned subsidiary of Equitable. EREIM acquires, develops, manages, finances, and sells properties of all types in every region and major city in the country for Equitable and several hundred pension funds and international clients. It is headquartered in Atlanta and employs more than 450 real estate professionals in 16 regional and divisional offices in the United States. As of December 31, 1990, EREIM had approximately \$36.9 billion in assets under its management, including approximately \$11.4 billion in employee benefit plan assets.

3. Equitable offers several different kinds of real estate investment opportunities to employee benefit plans. Among these is AEF, which Equitable has established for the purpose of allowing plans to invest collectively in commercial real estate. Equitable is the investment manager for AEF. EREIM provides investment advice to Equitable with respect to Equitable's responsibilities as investment manager. As investment advisor, EREIM assists Equitable in determining the types of properties to be purchased by AEF, the number and location of the properties, the structure of the transactions and the amount of third-party financing, if any, that is appropriate. In addition, EREIM,

together with Equitable, is responsible for assuring that AEF's properties are managed in accordance with AEF's investment objectives.

4. The applicant represents that Equitable opened AEF in 1987 in conformity with the requirements of New York insurance law applicable to insurance company separate accounts. AEF consists solely of assets of employee pension benefit plans. AEF is a "closed-end" pooled separate account. Amounts received by AEF as income from the account's properties, or upon disposition of properties, generally are distributed to investors rather than reinvested. As of December 31, 1990, the investors in AEF consisted of 10 contract holders whose contributions to AEF ranged from \$875,000 to approximately \$28 million. The rights and responsibilities of each plan investing in AEF are set forth in a group annuity contract between Equitable and the appropriate fiduciary of the investing plan. As of December 31, 1990, AEF had net assets of approximately \$123.6 million and total real estate investments valued at approximately \$138.2 million. Among AEF's real estate investments is a 50 percent allocated interest in the property at One Bush Plaza.<sup>3</sup>

5. EREIM retained Russell-Zisler on February 19, 1991 to act as independent fiduciary on behalf of AEF in connection with the Lease, subject to the approval of plans holding in excess of two-thirds of the outstanding interests AEF. Russell-Zisler's appointment as independent fiduciary was approved by the plans on April 26, 1991 and is subject to annual confirmation by a simple majority of the plans that participate in AEF.

Russell-Zisler is an investment adviser registered under the Investment Advisers Act of 1940, founded in 1988 as a wholly-owned subsidiary of Frank

<sup>3</sup> The applicant represents that the remaining 50 percent interest is held by Equitable's general account. The Department notes that the applicant has not requested and the Department is not proposing an exemption for any possible prohibited transactions which may have occurred as a result of AEF and Equitable's general account each holding interests in One Bush Plaza.

In this regard, the applicant notes that Prohibited Transaction Exemption (PTE) 88-92 (53 FR 38796, October 3, 1988) provides relief for certain transactions that may arise in connection with investments that are shared by Equitable and its ERISA covered separate accounts. The applicant represents that AEF and Equitable have not engaged in any transaction involving One Bush Plaza that is subject to PTE 88-92. Equitable might, however, rely on PTE 88-92 in the future for transactions involving One Bush Plaza, and in that event would adhere to the conditions of the exemption with respect to such transactions.

Russell Trust Company. Russell-Zisler represents that neither Russell-Zisler itself, nor Russell-Zisler and its affiliates in the aggregate received more than 5 percent of their gross revenues, determined as of the end of their last fiscal year, from business transactions with Equitable and its affiliates.

The applicant represents that the appointment of Russell-Zisler as independent fiduciary will remain in effect until: (i) 60 days after receipt by Equitable of a notice of resignation from Russell-Zisler; or (ii) 60 days after Russell-Zisler receives a notice of removal for cause (which is limited to cases of fraud, negligence, or breach of fiduciary duty) from Equitable; or (iii) 60 days after Russell-Zisler receives a notice or removal (with or without cause) from a simple majority of the plans participating in AEF. Upon the termination of Russell-Zisler's appointment as independent fiduciary, a successor independent fiduciary will be designated by Equitable and will also be subject to the approval of at least a two-thirds majority in interest of the plans participating in AEF. The successor independent fiduciary will be subject to annual confirmation by a simple majority of the plans participating in AEF.

The applicant represents that any successor independent fiduciary must be an individual, group of individuals, or a business entity which has substantial experience and expertise in the commercial real estate field. Neither the successor independent fiduciary nor any affiliate may have any ownership interest in Equitable or its affiliates, nor may Equitable or its affiliates have any ownership interest in the successor independent fiduciary or its affiliates. In addition, neither the successor independent fiduciary itself, nor the successor independent fiduciary and its affiliates in the aggregate, may receive more than 5 percent of their total annual gross revenue, determined as of the end of their last fiscal year, from business transactions with Equitable (including AEF) or its affiliates. The applicant further represents that any successor independent fiduciary would be removable as independent fiduciary under the same conditions as Russell-Zisler, as discussed above.

6. The responsibilities of Russell-Zisler with respect to the Lease are set forth in a letter agreement (the Agreement) dated February 19, 1991. Under the Agreement, Russell-Zisler assumed responsibility as independent fiduciary on behalf of AEF to negotiate the terms of the Lease. In connection with the negotiation of the Lease on

AEF's behalf, Russell-Zisler conducted the following activities.

(a) Performed a market review of the Lease;

(b) Inspected One Bush Plaza to evaluate the building, its common areas, the space subject to the Lease, and the space occupied by existing tenants;

(c) Interviewed representatives of Equitable's building management as well as other sources within the San Francisco real estate brokerage and asset management firms;

(d) Inspected buildings deemed comparable to One Bush Plaza and, within those buildings, the premises of recent comparable leases; and

(e) Reviewed the terms of the Reimbursement Agreement (described in paragraph 8 below).

In connection with its market review of the Lease, Russell-Zisler identified several office properties it considered to be competitive properties to One Bush Plaza. Russell-Zisler evaluated twenty-one comparable leases, which included leases in these competitive properties as well as other leases in One Bush Plaza. In order to evaluate the economic terms of comparable leases, Russell-Zisler performed a present value analysis on each such comparable lease. The methodology provided a present value equivalent effective rent that accounts for the term of the lease, free rent, rent steps, and initial tenant improvement costs (such as those stipulated in the Reimbursement Agreement). Based on its review, Russell-Zisler concluded that the terms of the Lease are not less than fair market value and at least as favorable to AEF as the terms would have been if negotiated in an arm's length transaction between unrelated parties. Russell-Zisler also concluded that the Lease is in the best interest of the plans that participate in AEF.

7. The Agreement also provides that Russell-Zisler is obligated as independent fiduciary to monitor EREIM's performance under the Lease. In connection with its responsibility under the Agreement to monitor the Lease, Russell-Zisler must review any matter which requires the approval of the landlord under the terms of the Lease and determine on behalf of AEF whether to grant approval. The Agreement also provides that, in the event of EREIM's default under the Lease, Russell-Zisler has the right to take such action as may be necessary to protect the interest of the plans participating in AEF. The Agreement further provides that Russell-Zisler, as independent fiduciary, must review and approve of the Lease Renewal as well as monitor EREIM's performance

thereunder. Before the Lease Renewal can be entered into, Russell-Zisler must find that it is in the best interest of the plans participating in AEF and that the terms of the Lease Renewal are at least at fair market rental rates at the date of such renewal. In this connection, Russell-Zisler must prepare a detailed written report setting forth its reasons for approving the Lease Renewal, which will be available for inspection by the Department at its request.

8. As discussed in paragraph 6 above, the terms of the Lease were negotiated by Russell-Zisler, acting as independent fiduciary on behalf of AEF. The Lease is for a term of seven years, commencing on April 27, 1991, at a base rent of \$27.50 per square foot per year for 16,560 square feet on the twelfth floor of One Bush Plaza.<sup>4</sup> The Lease also provides that EREIM will rent 1,215 square feet of basement storage space at One Bush Plaza on a month to month basis at a rate of \$1.00 per square foot per month. The Lease contains a rent abatement for the initial six months of the Lease, and provides for a tenant improvement allowance of \$400,000 to be paid by the landlord. In addition, under the Lease, EREIM has the option, with Equitable's approval, of converting the abatement allowance into additional tenant improvements.

The applicant represents that tenant improvements were made in anticipation of the commencement of the Lease. In this regard, EREIM and Russell-Zisler orally agreed to the terms of the Reimbursement Agreement<sup>5</sup> on January 1991, pursuant to which EREIM agreed to advance AEF's share of the cost of the tenant improvements, up to a maximum of \$400,000 and AEF agreed to reimburse EREIM for such expenses. The applicant represents that in the event that the lease transaction is for any reason not completed (i.e., if the exemption is not granted), EREIM will not be entitled to reimbursement of the amounts advanced. Construction work on these improvements commenced on January 18, 1991, after EREIM and Russell-Zisler agreed to this arrangement. The applicant represents that Russell-Zisler has reviewed and approved the Reimbursement Agreement and has informed Equitable and EREIM that it has concluded that the construction of tenant improvements prior to the execution of a lease for

<sup>4</sup> The applicant represents that the Lease is terminable by EREIM after five years in certain limited circumstances.

<sup>5</sup> The Department expresses no opinion herein as to whether the Reimbursement Agreement constitutes a violation of any of the provisions of part 4 of Title I.

commercial office space is a customary practice and that the Reimbursement Agreement is in the interests of AEF and the plans that participate in AEF. In addition, Russell-Zisler has taken into account the fact that AEF has agreed to assume responsibility for the cost of tenant improvements in reviewing the rental under the Lease. The applicant further represents that the Reimbursement Agreement AEF entered into with EREIM in January did not obligate AEF to rent the office space in One Bush Plaza to EREIM. In the event the proposed exemption is not granted, or the Lease is otherwise terminated, EREIM will not be permitted to seek reimbursement from AEF for the cost of tenant improvements.

The applicant asserts that the Lease is beneficial to AEF because it is at fair market value and will reduce the amount of remaining vacant rentable office space in One Bush Plaza by approximately one-third. The applicant further notes that there are currently relatively few quality tenants in the market for office space such as One Bush Plaza. Without the proposed exemption, the office space may remain vacant for an indeterminate period of time, and AEF would be deprived of any income attributable to the space during that period.

9. In summary, the applicant represents that the transactions satisfy the terms and conditions of section 408(a) of the Act because: (a) The Lease is for a limited term; (b) the Lease and the Reimbursement Agreement have been reviewed by a qualified independent fiduciary who determined that the terms of the transactions are no less than fair market value and at least as favorable to AEF as the terms would have been in arm's length transactions between unrelated parties; (c) the independent fiduciary will continue to monitor the Lease on behalf of AEF; (d) the Lease Renewal must be approved by the independent fiduciary acting on behalf of AEF; (e) the Reimbursement Agreement will protect the rights of the plans that participate in AEF because it ensures that, in the event the proposed exemption is not granted and the Lease is terminated, EREIM will not be permitted to seek reimbursement from AEF for the cost of tenant improvements; and (f) the terms of the Reimbursement Agreement have been reviewed and approved by a qualified independent fiduciary, who has taken into account the fact that AEF has agreed to assume responsibility for the cost of tenant improvements.

**FOR FURTHER INFORMATION CONTACT:**  
Ms. Jean Anderson of the Department,

telephone (202) 523-8971. (This is not a toll-free number.)

**Telephone Real Estate Equity Trust (the Trust) Located in Boston, Massachusetts**  
[Application No. D-8974]

**Proposed Exemption**

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to (1) a certain lease (the Lease) of space in commercial real property (the Property) located at Piney Point Office Park in Houston, Texas to the Townsend Company, a party in interest with respect to the Trust; (2) the potential amendments, renewals, or extensions of the Lease; and (3) the proposed leasing by the Trust of space in the Property to any other persons that may be parties in interest with respect to the Trust or parties in interest with respect to any employee benefit plans participating in the Trust (except for fiduciaries with respect to the Property),<sup>6</sup> including the amendments, renewals, or extensions thereof; provided that the terms and conditions of any leases subject to this exemption, including any amendments, renewals, or extensions thereof are at least as favorable to the Trust as those which the Trust could obtain in arm's-length transactions with unrelated parties; and provided further that any such leases, including any amendments, renewals, or extensions thereof, are approved on behalf of the Trust by Eastdil Advisers, Inc.

**EFFECTIVE DATE:** The effective date of the proposed exemption, if granted, will be May 6, 1991, as to the Lease of the Property to Townsend Company.

**Summary of Facts and Representations**

*1. The Trust*

The Trust is a group trust, qualified under section 410(a) of the Code pursuant to *Rev. Rul. 81-100*, which is utilized for the investment on an undivided basis of certain real estate assets of its participating employee benefit plans (the Plans). The Plans were established by the companies

<sup>6</sup> Fiduciaries as used here include the American Telephone and Telegraph Company and its affiliates, Bell South Corporation and its affiliates, and Eastdil Advisers, Inc. and its affiliates.

which resulted from the reorganization of American Telephone and Telegraph Company (AT&T) and its subsidiaries pursuant to the Plan of Reorganization approved by the U.S. District Court for the District of Columbia in the matter of *U.S. v Western Electric Co., Inc. et al.* (Civil Action No. 82-0192) (Plan of Reorganization).

In furtherance of the Plan of Reorganization, as of January 1, 1984, provision was made for the allocation of the assets of the predecessor plans held in the Bell System Pension Plan Trust and the Bell System Management Pension Plan Trust to be merged into the Bell System Trust (the BST). This action was followed by substantially all of the non-real estate assets in the BST being transferred to a new AT&T trust. The BST retained the real estate assets of the prior Bell System trusts and was amended and restated as the Trust. As of September 31, 1991, the Trust had total assets of approximately \$3.1 billion.

Only four Plans (AT&T Management Pension Plan, AT&T Pension Plan, Bell South Management Pension Plan, and Bell South Pension Plan; collectively, the Plans) retain an interest in the Trust and have assets affected by the proposed transaction for which the exemption has been requested.

The Plans provide pension and death benefits to eligible employees, former employees who have retired and their beneficiaries for both the management and salaried group, and as well as employees who are or have been in the bargaining unit represented by one of several unions: The Communications Workers of America, Washington, DC; The International Brotherhood of Electrical Workers, Washington, DC; and The Telecommunications International Union, Hamden, Connecticut.

**2. Sponsors of the Plans**

AT&T, a New York corporation headquartered in New York City and sponsor of two of the Plans having an interest in the Trust, provides a wide variety of nationwide and international telecommunications services. It designs, manufactures, markets, and services transmission and switching equipment, central office products, apparatus for use in residential and business markets. This includes silicon chip products and other electronic components, software and computers for general use in communications systems, and products and services sold primarily to the Department of Defense and other government agencies.

The sponsor of the other two Plans having an interest in the Trust is BellSouth Corporation (BellSouth), a Georgia corporation, which was created as a result of AT&T reorganization and divestiture. The primary business of BellSouth and its subsidiaries is the furnishing of exchange telecommunications and exchange access services within specific geographic areas. In addition, it provides advanced mobile communications services using cellular technology, directory advertising and publishing, marketing of customer premises telecommunications equipment, and other miscellaneous business activities.

#### 3. Eastdil

Eastdil Advisers, Inc. (Eastdil) is a Delaware corporation, based in New York City, and registered as an investment adviser under the Investment Advisers Act of 1940, as amended. It is wholly owned by Eastdil Realty, Inc., a Delaware corporation, which in turn is 50 percent owned by Nomura Babcock & Brown Real Estate, Inc., a Delaware corporation and a wholly-owned subsidiary of Nomura Securities Co., Inc., a Japanese securities firm. The remaining 50 percent of Eastdil Realty, Inc. is owned in varying amounts by different executives of Eastdil Realty, Inc.

Eastdil was incorporated in 1978 for the purpose of investing in and managing real estate assets for large pension plans. It manages approximately \$450 million in pension plan assets on an individual account basis, which primarily consists of multi-tenant commercial and industrial properties.

As of January 1, 1984, Eastdil began serving as investment manager for a portion of the assets of the Trust pursuant to an Investment Management Agreement between AT&T and Eastdil. As of December 31, 1990, Eastdil was managing approximately \$350 million (estimated market value) in real estate assets of the Trust.

#### 4. The Property

The Property consists of two commercial office buildings located in Piney Point Office Park in Houston, Texas at 2450 and 2500 Fondren Road. Each address has 78,435 and 75,523 square feet of net rental space, respectively. Title to the Property is held by a joint venture, Piney Point Joint Venture No. 1 (the Joint Venture), which has 98 percent of its equity owned by Pintel I, Inc. (Pintel) and the remaining 2 percent of its equity owned by Telepine,

Inc. (Telepine). The Property is the sole asset of the Joint Venture.

Both Pintel and Telepine are title-holding corporations, incorporated in Delaware and exempt from federal taxation under section 501(c)(2) of the Code. Each corporation is wholly owned by State Street Bank & Trust Company, a Massachusetts banking corporation with its principal office in Boston, Massachusetts, in its capacity as trustee of the Trust.

Pintel and Telepine were organized by Eastdil, acting in its capacity as investment manager for the Trust, for the purpose of having the Joint Venture hold title to the Property on behalf of the Trust, collect income from leases of the Property, and distribute to the Trust the collected rental income.

#### 5. The Tenants

The Townsend Company (Townsend), a Maryland corporation, is a diversified investment firm whose officers jointly contribute experience in fields of real estate, law, accounting, engineering, and finance in evaluating and managing the firm's portfolio, which is approximately five million square feet of office, industrial, and retail space. It is a wholly owned subsidiary, and the principal operating corporation, of Windsor Financial, Inc. a Maryland corporation. Townsend has three subsidiaries: DWT Venture, Incorporated, that serves as a co-general partner with Townsend in the majority of investment partnerships formed by Townsend; Townsend Associates, Inc., that is the marketing arm of Townsend; and TTC Management, Inc. (TTC) that provides property management and leasing agency services. All three subsidiaries are incorporated under the laws of Maryland.

Townsend has a corporate staff of 30 individuals and a total of 300 employees, which includes the personnel in its subsidiaries. Its headquarters are in Baltimore, Maryland with a regional office in Houston, Texas. The Asset Management Group of Townsend is divided into three divisions: (a) Management and operations, (b) leasing and marketing, and (c) construction management.

#### 6. The Lease Transaction

On May 6, 1991, the Joint Venture entered into the Lease, which expires on May 5, 1994, with Townsend for a portion of the Property, covering approximately 1,804 rentable square feet (RSF) which is 2.4 percent of the Property's net rentable space. The Lease provides for a rental of approximately \$9.00 per RSF in the first year and \$10.00 per RSF in the second and third years of

the Lease term. The Joint Venture may terminate the Lease if Townsend engages in any "event of default" as defined in the Lease, including failure to pay rent when due and payable.

As an inducement to Townsend to enter into the Lease, the first two monthly payments of rent was waived and rental payments began on July 6, 1991. Eastdil, as Applicant, represents that rental waivers are common in the real estate industry. Eastdil further represents that the inducement under the Lease was reasonable and necessary under the facts and circumstances then existing.

Eastdil represents that the Lease was negotiated and entered into in an arm's-length transaction between Eastdil, on behalf of the Joint Venture, and Townsend. The rental rates and the other terms and conditions of the Lease are comparable in the aggregate to those of similar leases of space in Joint Venture properties and in similar commercial office buildings in Houston, Texas area at the time of the Lease.

#### 7. Amendments, Extensions and Renewal of the Lease

The Applicant is requesting that exemptive relief be granted on a prospective basis to amendments, extensions, or renewals of the Lease, provided that (a) Eastdil negotiates and approves the amendments, extensions or renewals of the Lease; (b) any amendments, extensions, or renewals of the Lease are for adequate consideration; and (c) that the terms and conditions of the Lease are comparable to the terms and conditions then negotiated with regard to similar leases of space in the Property and in similar office buildings in the Houston, Texas area.

#### 8. Prospective Leases with Parties in Interest

Upon considering the size of the Trust and its participating Plans with the actual and potentially large number of parties in interest with respect to the Trust and the Plans, the Applicant also seeks exemptive relief on a prospective basis for any lease of space in the Property to a party in interest with respect to either the Trust or to the Plans. The Applicant represents: (a) each such lease to a party in interest would be negotiated on an arm's-length basis on behalf of the Trust by Eastdil, which would not be affiliated with or otherwise related to such parties in interest in any manner which would affect the exercise of its judgment as a fiduciary; (b) the terms and conditions of any such lease would be comparable to

those of similar leases of space in the Property and in similar buildings in the area entered into at the same time; and (c) neither the Lease or any other lease to be covered by the requested proposed exemption is a part of any larger integrated transaction. Further, none of the leases will be with persons who are fiduciaries with respect to the Property.

#### 9. The Management Agreement

On May 6, 1991, the Joint Venture entered into a management agreement and an exclusive rental agency agreement with TTC. The terms of each agreement were negotiated at arm's-length between TTC and Eastdil acting on behalf of Joint Venture.

The management agreement provides that TTC will act as managing agent with regard to the Property pursuant to the terms and conditions of the management agreement and under the supervision of Eastdil as fiduciary with respect to the Property.

Under the rental agency agreement, TTC was appointed as the exclusive marketing and leasing agent for the Property for which TTC receives commissions in accordance with the terms of the rental agency agreement.

The Applicant represents that both the management and rental agency agreements with TTC comply with section 408(b)(2) of the Act and the regulations thereunder.<sup>7</sup>

TTC will utilize the space provided by the Lease to Townsend to facilitate its carrying out its duties as property manager and rental agent. Townsend will also use the space provided by the Lease for business purposes unrelated to TTC's duties with respect to the Property.

10. Eastdil represents in its fiduciary capacity that the Lease and the prospective leases, including their respective amendments, extensions and renewals thereof to be prudent and in the best interests and protective of the Trust, the Plans, and their respective participants and beneficiaries. Eastdil also represents that the Lease and each future lease, in form and substance, is or will be a standard commercial office lease generally utilized for all tenants of the Property. The negotiations of the terms and conditions of the Lease do, and the future leases will, reflect common industry practices as well as the practices established for similar leases in the Property. Eastdil further

represents that it has had and will continue to have full responsibility on behalf of the Joint Venture to approve or disapprove the Lease or any amendments, extensions, and renewals of the Lease or any leases as well as any amendments, extensions, and renewals thereto that the Joint Venture is a party. All leases of space in the Property in form and substance must be satisfactory to the approval of Eastdil, and all tenants in the Property must be satisfactory in all respects to the standards set by Eastdil on behalf of the Joint Venture. Eastdil represents that it has no relationship with Townsend, TTC or any of their affiliates and had decided to retain TTC as the management and leasing agent at a time when Townsend was looking for rental office space in the Houston, Texas area. At that time Eastdil determined that it would be in the best interest of the Trust to have TTC located at the Property. As a result of this determination, Eastdil decided to enter into the Lease and the management and leasing agent agreements and apply for an administrative exemption.

11. In summary, Eastdil represents the past and proposed transactions satisfy the requirements of section 408(a) of the Act for the following reasons: (a) The Lease with Townsend was negotiated and entered into in an arm's-length transaction on behalf of the Trust by the Venture under the control and direction of Eastdil, an independent fiduciary of the Trust and unrelated to Townsend or its affiliates; (b) any amendments, renewals, and extensions of the Lease and any executions of future leases in the Property with parties in interest with respect to the Trust or the Plans, or their affiliates, including any amendments, renewals, and extensions thereof, will require the approval of Eastdil; (c) none of the leases will be with fiduciaries with respect to the Property; (d) the Lease is, and any future leases subject to this proposed exemption will be standard commercial office leases which are utilized generally for all tenants of the Property and which reflect common industry practices; and (e) the rentals provided under the Lease and the prospective future leases are and will be no less than the fair market rental values of the demised promises at the times of their executions.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. C.E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Sheboygan Drugs, Inc., Retirement Plan (The Plan) Located in Sheboygan, Wisconsin

[Application No. D-9024]

#### Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted the sanctions resulting from the application of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash sale (the Sale) of certain coins (the Coins) by the Plan to William J. Zajkowski, a disqualified person with respect to the Plan, provided that (1) the Plan incurs no commissions, fees, or other expenses from the Sale, and (2) the Plan receives as consideration from the Sale the asking price in the open-market as stated in writing by a qualified, independent coin dealer on the date of the Sale.

#### Summary of Facts and Representations

1. The Plan is a money purchase plan with one participant and total assets of approximately \$106,853, as of March 3, 1992. William J. Zajkowski, a pharmacist, is the sole shareholder of Sheboygan Drugs, Inc., the sponsoring employer of the Plan (the Employer), as well as the fiduciary of the Plan and its only participant.<sup>8</sup> Approximately 89 percent of the assets in the Plan are invested in the Cash Equivalent Fund of Kemper Securities Group, Inc., through its office in Sheboygan, Wisconsin. The Plan's investment in the Cash Equivalent Fund had a balance of \$94,474.21, as of January 15, 1992. The remaining 11 percent of the assets of the Plan are invested in the Coins. The Coins were purchased for the sum of \$16,572 on November 19, 1987, from Investment Rarities, Incorporated, Minneapolis, Minnesota, an unrelated person with respect to Mr. Zajkowski, the Employer, or the Plan. The Coins have produced no income for the Plan and have not appreciated in value since being purchased. As of March 3, 1992, the Coins were determined by Investment Rarities, Incorporated to

<sup>7</sup> The Department is proposing exemptive relief solely for the lease transactions as specified. No exemptive relief is provided herein concerning the management agreement or the rental agency agreement beyond that provided by section 408(b)(2) of the Act.

<sup>8</sup> Since William J. Zajkowski is the sole shareholder of the Employer and the only participant in the Plan, there is no jurisdiction under title I of the Act pursuant to 29 CFR 2510.3-3. However there is jurisdiction under title II of the Act pursuant to section 4975 of the Code.

have an aggregate asking price of \$12,379.40. The Coins consisted of 10 AU \$20 St. Gaudens (\$485) with a total asking price of \$4,850, and 20 \$50 U.S. Eagles (\$376.47) with a total asking price of \$7,529.40.

2. Mr. Zajkowski proposes to purchase the Coins for cash from the Plan with no expenses or commissions incurred by the Plan from the Sale. The consideration the Plan will receive from the Sale will be the asking price in the open-market as stated in writing by a qualified, independent coin dealer, on the date of the Sale. The Applicant represents that the proposed transaction will enable the Plan to divest itself of assets which have depreciated in value and invest the proceeds from the Sale in income producing assets that also have an opportunity to appreciate in value. It is further represented by Mr. Zajkowski that the Coins have never been used by him or any other disqualified person for personal purposes. It is represented that the Coins are currently held and have been continuously held since their acquisition in a safe of the Employer. The expense of maintaining the safe has been paid by the sponsor of the Plan and not by the Plan. At no time has the Plan paid the Employer or any other person any consideration for using the safe for storing the Coins.

3. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria for an exemption under section 4975(c)(2) of the Code because (a) the proposed Sale will be a one-time transaction for cash; (b) the Plan will receive from the Sale the asking price in the open-market as stated in writing by a qualified, independent coin dealer on the date of the Sale; (c) the Plan will not pay any commissions, fees, or other expenses involved in the Sale; (d) the cash proceeds will be invested in assets that return income to the Plan; and (e) the applicant who is the only participant in the Plan desires that the Sale be consummated.

#### Notice to Interested Persons

Since Mr. Zajkowski is the only participant in the Plan, it has been determined that there is no need to distribute the notice of the proposed exemption to interested persons. Comments are due 30 days after publication of this notice in the Federal Register.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. C.E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

#### General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 8th day of June, 1992.

Ivan Strasfeld,

*Director of Exemption Determinations,  
Pension and Welfare Benefits Administration,  
Department of Labor.*

[Prohibited Transaction Exemption 92-34;  
Exemption Application No. D-8923, et al.]

#### Grant of Individual Exemptions; Vital Signs, Inc., Savings and Protection Plan, et al.

**AGENCY:** Pension and Welfare Benefits Administration, Labor.

**ACTION:** Grant of individual exemptions.

**SUMMARY:** This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the *Federal Register* of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

#### Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

**Vital Signs, Inc. Savings and Protection Plan (the Plan) Located in Totowa, New Jersey**

[Prohibited Transaction Exemption 92-34; Exemption Application No. D-8923]

**Exemption**

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the past and proposed extension of credit to the Plan (the Advances) by Vital Signs, Inc., the sponsor of the Plan, with respect to three guaranteed investment certificates (the GICs) issued by Mutual Benefit Life Insurance Company of New Jersey (Mutual Benefit); and (2) the potential repayment of the Advances by the Plan; provided that (a) no interest and/or expenses are paid by the Plan; (b) the Advances are used only in lieu of withdrawals due from the GICs; (c) repayment of the Advances is restricted to cash proceeds paid to the Plan by or on behalf of Mutual Benefit with respect to Mutual Benefits obligations under the GICs, and (d) repayment of the Advances will be waived to the extent the Plan receives less from the disposition of the GICs than the total amount of the Advances.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 17, 1992 at 57 FR 13770.

**EFFECTIVE DATE:** This exemption is effective as of March 31, 1992.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Blue Cross and Blue Shield of New Jersey, Inc., Management Employees' Savings and Investment Plan (the Plan) Located in Newark, New Jersey**

[Prohibited Transaction Exemption 92-35; Exemption Application No. D-8935]

**Exemption**

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to (1) the proposed guaranty by Blue Cross and Blue Shield of New Jersey, Inc. (the Employer), the sponsor of the Plan, of the maturity

values of each subfund, plus interest thereon (together, the Guaranteed Amount), under group annuity contract number GA-3814 (the GAC) issued to the Plan by Mutual Benefit Life Insurance Company of New Jersey (Mutual Benefit); (2) the proposed extensions of credit to the Plan by the Employer (the Advances) as advances on the Guaranteed Amount; and (3) the Plan's potential repayment of the Advances (Repayments); provided that (a) all terms of such transactions are no less favorable to the Plan than those which the Plan could obtain in arm's-length transactions with an unrelated party, (b) no interest and/or expenses are paid by the Plan, (c) the Advances are made only in lieu of payments due from Mutual Benefit with respect to the GAC, (d) the Repayments shall not exceed the lesser of (1) the total Advances, or (2) the Guaranteed Amount, and (e) the Repayments shall in no event exceed the amounts actually received by the Plan From Mutual Benefit and other responsible third party payors with respect to the GAC.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 17, 1992 at 57 FR 13771.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Campbell Soup Company Savings and 401(k) Plan for Salaried Employees, and Campbell Soup Company Savings and 401(k) Plan for Hourly Employees (collectively, the Plans), Located in Camden, New Jersey**

[Prohibited Transaction Exemption 92-36; Exemption Application Nos. D-8937 and D-8938]

**Exemption**

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective December 31, 1991, to the cash sale by the Plans to Campbell Soup Company, the sponsor of the Plans, of their shared interest (the Interest) in guaranteed investment contract number CG01305A3A (the GIC) issued by Executive Life Insurance Company of California; provided that (1) the sale is a one-time transaction for cash; (2) the Plans did not suffer any loss or incur any expenses in the transaction; and (3) the Plans received no less than the fair

market value of the Interest at the time of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 1, 1992 at 57 FR 11096.

**EFFECTIVE DATE:** This exemption is effective as of December 31, 1991.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Willett of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Exports, Inc. 401(k) Savings Plan (the Plan) Located in Blaine, Washington**

[Prohibited Transportation Exemption 92-37; Exemption Application No. D-8948]

**Exemption**

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plan of three Guaranteed Investment Contracts (the GICs) of Fidelity Bankers Life Insurance Company to Exports, Inc. (Exports), a party in interest with respect to the Plan, provided the following conditions are satisfied: (1) The sale is a one-time transaction for cash; (2) the Plan receives no less than the fair market value of the GICs at the time of the transaction; (3) the Plan's independent fiduciary, Judith Goode Moran, CPA (Moran) has determined that the sales price is not less than the current fair market value of the GICs; and (4) Moran has determined that the transaction is appropriate for the Plan and in the best interests of the Plan and its participants and beneficiaries.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on April 17, 1992 at 57 FR 13773.

**WRITTEN COMMENTS:** The Department received one written comment which was submitted by the applicant to correct a typographical error which appeared in the notice of proposed exemption. The correct number of participants in the Plan is 94, rather than 894.

**FOR FURTHER INFORMATION CONTACT:** Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

**Synergistic Marketing, Inc. Profit Sharing Plan (the Plan) Located in New York, New York**

[Prohibited Transaction Application 92-38; Exemption Application No. D-8979]

**Exemption**

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed cash purchase by Randolph Aversano's (Mr. Aversano) individually-directed account (the Account) in the Plan of two parcels of unimproved real property (collectively; the Property) from Mr. Aversano and his wife Mrs. Jane Aversano, parties in interest with respect to the Plan; provided that the following conditions are satisfied:

(a) The price paid by the Account will be the aggregate fair market value of the Property at the time of the sale as determined by an independent, qualified appraiser;

(b) The proposed purchase will be a one-time cash transaction;

(c) The Account will pay no expenses associated with the purchase; and

(d) The proposed purchase will not exceed 25% of the assets of the Account.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 17, 1992 at 57 FR 13774.

**FOR FURTHER INFORMATION CONTACT:**  
Ekaterina A. Uzlyan of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the

transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 8th day of June, 1992.

Ivan Strasfeld,

*Director of Exemption Determinations,  
Pension and Welfare Benefits Administration,  
Department of Labor.*

[FR Doc. 92-13791 Filed 6-10-92; 8:45 am]

BILLING CODE 4510-29-M

**LEGAL SERVICES CORPORATION**

**Grant Awards for Expansion and Development of Law School Civil Clinical Programs**

**AGENCY:** Legal Services Corporation.

**ACTION:** Announcement of grant awards.

**SUMMARY:** The Legal Services Corporation hereby announces its intention to award grants to twenty-two (22) law school clinical programs to assist LSC-eligible clients with their civil legal cases. Pursuant to the Corporation's announcement of funding availability in Volume 57, No. 26, pages 4777 and 4778 of the Federal Register of February 7, 1992, a total of \$1,229,000 will be awarded to the following schools:

Name of School	State	Amount
1. Yale Law School	CT	\$75,000
2. University of Connecticut	CT	75,000
3. Yeshiva University	NY	33,072
4. District of Columbia School of Law	DC	75,000
5. D.C. Law Students in Court Program	DC	60,000
6. Temple University	PA	33,072
7. University of Pittsburgh	PA	20,000
8. Villanova University	PA	54,990
9. University of Mississippi	MS	70,563
10. University of Arkansas	AR	60,500
11. Nova University	FL	54,000
12. Northwestern University	IL	35,000
13. Indiana University/Indianapolis	IN	74,843
14. University of Michigan	MI	55,000
15. University of Houston	TX	75,000
16. St. Mary's University	TX	63,910
17. University of Wisconsin	WI	40,000
18. Marquette University	WI	75,000
19. University of North Dakota	ND	37,695
20. University of Denver	CO	50,000
21. University of Colorado	CO	50,000
22. University of California/Berkeley	CA	61,000
Total:		1,229,000

These one-time, one-year grants are awarded under the authority of the legal Services Corporation Act of 1974, as amended. This public notice is issued

pursuant to section 1007(f) of the Act, with a request for comments and recommendations within a period of thirty (30) days from the date of

publication of this notice. Grant awards will become effective and grant funds will be distributed upon the expiration of this thirty-day public comment period.

**DATE:** This notice issued on June 11, 1992. All comments and recommendations must be received on or before the close of business on July 13, 1992 at the Office of Field Services, Legal Services Corporation, 750 First Street, NE, 11th Floor, Washington, DC 20002-4250.

**FOR FURTHER INFORMATION CONTACT:** Leslie Q. Russell, Manager, Program Support and Technical Assistance Division, Office of Field Services, (202) 336-8824.

Dated: June 5, 1992.

**Ellen J. Smead,**  
Director, Office of Field Services.

[FR Doc. 92-13653 Filed 6-10-92; 8:45 am]

**BILLING CODE 7050-01-M**

#### NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

##### Meeting; Arts Education Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Advisory Panel on Arts Education (Arts Plus #2: Dance Section) to the National Council on the Arts will be held on June 30, 1992 from 9 a.m.-4 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, as amended, this session will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

**Yvonne M. Sabine,**  
Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 92-13713 Filed 6-10-92; 8:45 am]

**BILLING CODE 7537-01-M**

#### NATIONAL SCIENCE FOUNDATION

##### Advisory Committee for Biological Sciences Committee of Visitors; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting.

**Name:** Committee of Visitors Review of the Division of Integrative Biology and Neuroscience, Neuroscience Program (formerly the Biological Basis of Behavior and Neuroscience Programs of the Division of Behavioral and Neural Science).

**Date and Time:** July 6 and 7, 1992—9 a.m. to 5 p.m. and July 8, 1992—9 a.m. to 12 noon.

**Place:** Rooms 1242 and 1243, 1800 G Street, NW, Washington, D.C.

**Type of Meeting:** Closed.

**Contact Person:** Dr. Bruce L. Umminger, Director, Division of Integrative Biology and Neuroscience, room 321, National Science Foundation, Washington, DC 20550. Telephone: (202) 357-7905.

**Purpose of Meeting:** To provide oversight review of the Biological Basis of Behavior and the Neuroscience programs.

**Agenda:** To carry out Committee of Visitors (COV) review including examination of decisions on proposals, reviewer comments, and other materials.

**Reason for Closing:** The meeting is closed to the public because the Committee is reviewing proposal actions that include privileged intellectual property and personal information that could harm individuals if they were disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552 b(c) (4) and (6) of the Government in the Sunshine Act would improperly be disclosed.

Dated: June 8, 1992.

**M. Rebecca Winkler,**  
Committee Management Officer.

[FR Doc. 92-13724 Filed 6-10-92; 8:45 am]

**BILLING CODE 7555-01-M**

##### Special Emphasis Panel in Design and Manufacturing Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

**Name:** Special Emphasis Panel in Design and Manufacturing Systems.

**Date and Time:** June 30, 1992; 8:30 a.m. to 5 p.m.

**Place:** Rooms 500-D & E, 1110 Vermont Ave., Washington, DC.

**Type of Meeting:** Closed.

**Contact Person:** Drs. Bruce M. Kramer and Suren B. Rao, Program Directors, 1800 G St., NW, room 1128, Washington, DC 20550. Telephone: (202) 357-7676.

**Purpose of Meeting:** To provide advice and recommendations concerning proposals submitted to NSF for financial support.

**Agenda:** To review and evaluate unsolicited proposals submitted to the Manufacturing Processes and Equipment Program.

**Reason for Closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: June 8, 1992.

**M. Rebecca Winkler,**  
Committee Management Officer.

[FR Doc. 92-13723 Filed 6-10-92; 8:45 am]

**BILLING CODE 7555-01-M**

##### Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-462, as amended), the National Science Foundation announces the following meeting:

**Name:** Special Emphasis Panel in Electrical and Communications Systems.

**Date and Time:** June 30, 1992; 8:30 a.m. to 5 p.m.

**Place:** Room 1133, National Science Foundation (NSF), 1800 G Street, NW, Washington, DC 20550.

**Type of Meeting:** Closed.

**Contact Person:** Dr. Brian Clifton, Program Director, Division of Electrical and Communications Systems, NSF, 1800 G Street, NW, rm. 1151, Washington, DC 20550. Telephone: (202) 357-9618.

**Purpose of Meeting:** To provide advice and recommendations concerning proposals submitted to NSF for financial support.

**Agenda:** To review and evaluate research proposals submitted to the National Science Foundation and the Electronics Technology and Devices Laboratory Cooperative Research Program.

**Reason for Closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. The matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: June 8, 1992.

**M. Rebecca Winkler,**  
Committee Management Officer.

[FR Doc. 92-13721 Filed 6-10-92; 8:45 am]

**BILLING CODE 7555-01-M**

**Special Emphasis Panel in Experimental Programs to Stimulate Competitive Research (EPSCoR): Meeting**

In accordance with the Federal Advisory Committee Act (Public Law 92-463, as amended), the National Science Foundation announces the following meeting:

**Name:** Special Emphasis Panel in Experimental Programs to Stimulate Competitive Research (EPSCoR).

**Dates:** July 9-10, 1992.

**Times:** 3:30 p.m.-9 p.m., July 9, 1992. 8:30 a.m.-12 noon, July 10, 1992.

**Place:** The Latham Hotel, 3000 M Street, NW, Washington, DC 20007.

**Type of Meeting:** Closed.

**Contact:** Mr. James B. Hoehn, Project Director, Office of Experimental Programs to Stimulate Competitive Research, National Science Foundation, room 1227, Washington, DC 20550 (202) 357-7500.

**Purpose of Meeting:** To provide advice and recommendations concerning proposals submitted to NSF for financial support.

**Agenda:** To review and evaluate proposals from three states (Kansas, Nebraska, and West Virginia) submitted to the EPSCoR Advanced Development competition.

**Reason for Closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: June 8, 1992.

M. Rebecca Winkler,  
Committee Management Officer.

[FR Doc. 92-13725 Filed 6-10-92; 8:45 am]

BILLING CODE 7555-01-M

**Special Emphasis Panel in Materials Research; Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463 as amended), the National Science Foundation announces the following meeting:

**Name:** Special Emphasis Panel in Materials Research (DMR).

**Dates and Times:** The list of MRG site visits follows:

Site	Date	Time
State University of New York at Stony Brook	06/29/92	7 p.m.-9 p.m.
National Synchrotron Light Source at Brookhaven, Building 725, 75 Brookhaven Avenue, Upton, NY 11973	06/30/92	8 a.m.-5 p.m.

Site	Date	Time
University of Texas at Austin	06/30/92	7 p.m.-9 p.m.
National Synchrotron Light Source at Brookhaven, Building 725, 75 Brookhaven Avenue, Upton NY 11973	07/01/92	8 a.m.-5 p.m.

**Types of Meetings:** Closed.

**Contact Person:** Dr. John C. Hurt, Program Director, Materials Research Groups Program, Division of Materials Research, room 408, National Science Foundation, Washington, DC 20550. Telephone (202) 357-9791.

**Purpose of Meetings:** To provide advice and recommendations concerning support for Materials Research Groups.

**Agenda:** To perform a site visit, examine proposals, reviewer's evaluations and make recommendations for new and renewal awards for Materials Research Groups in FY 1992 competition.

**Reason for Closing:** The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: June 8, 1992.

M. Rebecca Winkler,

Committee Management Office.

[FR Doc. 92-13722 Filed 6-10-92; 8:45 am]

BILLING CODE 7555-01-M

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 40-8584]

**Final Finding of No Significant Impact Regarding the Renewal and Transfer of Source Material License SUA-1350 for the Sweetwater Uranium Mill, Located in Sweetwater County**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Final finding of no significant impact.

**1. Proposed Action**

The administrative action consists of a renewal of Source Material License SUA-1350, authorizing the Sweetwater Uranium Mill located in Sweetwater County, Wyoming, to remain in a standby status. In conjunction with this renewal, the license will be transferred from Minerals Exploration Company to Kennecott Uranium Company.

**2. Reasons for a Finding of No Significant Impact**

An environmental assessment for the license renewal and transfer, was prepared by the Nuclear Regulatory Commission staff and issued by the NRC's Uranium Recovery Field Office. The environmental assessment evaluated potential onsite and offsite impacts due to radiological releases that may occur as a result of maintaining the facility in a standby status. Documents used in preparing the environmental assessment include the previous assessment dated May 29, 1985, the request for license renewal dated January 23, 1991, the previous application for renewal dated March 1984, environmental monitoring data from 1985 through 1991, and the Final Environmental Statement related to operation of the Sweetwater Uranium Project dated December 1978 (NUREG CR/0505). Based on the review of these documents, the NRC has determined that no significant impacts will result from the proposed action, and that an addendum to the Final Environmental Statement is not warranted.

The following statements support the finding of no significant impact and summarize the conclusions resulting from the environmental assessment.

A. Radiological effluents from the facility will be below regulatory limits. Environmental monitoring is sufficient to detect any radiological releases.

B. No additional land will be disturbed by maintaining the facility in a standby status.

C. The ground-water corrective action program will be maintained to remove hazardous constituents and restore ground-water quality.

D. Radioactive wastes will be minimal and will be disposed of in an approved manner in accordance with applicable Federal and State regulations.

E. The physical structures will be decommissioned and the site reclaimed in accordance with applicable Federal and State requirements at the end of the operational phase. A surety arrangement exists to ensure completion of the reclamation activities.

The public was informed of the proposed action in a Draft Finding of No Significant Impact published in the Federal Register on April 2, 1992. A subsequent 30-day comment period expired with no public comments received.

In accordance with 10 CFR 51.33(e), 51.34(a), and 51.35(a), the Director of the Uranium Recovery Field Office has made the determination to issue a final

finding of no significant impact in the **Federal Register**.

This finding, together with the environmental assessment setting forth the basis for the finding, is available for public inspection and copying at the NRC's Uranium Recovery Field Office located at 730 Simms Street, Suite 100, Golden, Colorado and at the NRC's Public Document Room located at 2120 L Street Street NW., Washington, DC.

Dated at Denver, Colorado this 2 day of June 1992.

For the U.S. Nuclear Regulatory Commission.

Ramon E. Hall,

*Director, Uranium Recovery Field Office.*  
[FR Doc. 92-13664 Filed 6-10-92; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-322]**

**Long Island Power Authority, Shoreham Nuclear Power Station, Unit 1 (SNPS); Issuance of Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order authorizing decommissioning for the Long Island Power Authority's (LIPA) Shoreham Nuclear Power Station, Unit 1 (SNPS). The Decommissioning Plan involves immediate dismantlement of the reactor pressure vessel and internals, contaminated systems, and plant structures (DECON).

**Description of Proposed Action**

On June 28, 1989, the Long Island Lighting Company (LILCO), the previous owner of SNPS, entered into an agreement with the state of New York. This settlement agreement between LILCO and New York State specifies that LILCO transfer ownership of SNPS to LIPA, an entity of New York State. LIPA will decommission SNPS. All spent fuel has been removed from the reactor and is stored in the SNPS Spent Fuel Pool. Approval of the Decommissioning Plan will allow immediate dismantlement of the reactor pressure vessel and internals, contaminated systems, and plant structures.

**Environmental Impacts**

The NRC staff has reviewed LIPA's proposed Decommissioning Plan, and Supplemental Environmental Report prepared in accordance with 10 CFR 51.53(b). To document its review, the staff has prepared an Environmental Assessment (EA). The proposed DECON of SNPS will allow unrestricted use of the remaining portion of SNPS sooner

than SAFSTOR, but will result in some additional exposure for workers because of exposure during the immediate dismantlement operations.

**Finding of No Significant Impact**

The staff has reviewed the proposed decommissioning relative to the requirements set forth in 10 CFR part 51. Based upon the Environmental Assessment, the staff concluded that there are no significant environmental impacts associated with the proposed action and that the proposed action will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement.

For further details with respect to this action, see: (1) The licensee's application for authorization to decommission the facility, dated January 2, 1991, as supplemented August 26, November 27, and December 6, 1991; and (2) the Environmental Assessment and Finding of No Significant Impact. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786-9697. Copies may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III/IV/V.

Dated at Rockville, Maryland this 5th day of June 1992.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

*Director, Non-Power Reactors,  
Decommissioning and Environmental Project  
Directorate, Division of Reactor Projects—  
III/IV/V, Office of Nuclear Reactor  
Regulation.*

[FR Doc. 92-13783 Filed 6-10-92; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-346]**

**Toledo Edison Co.; The Cleveland Electric Illuminating Co.; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit 1 (DBNPS) located in Ottawa County, Ohio.

**Environmental Assessment**

**Identification of Proposed Action**

The proposed amendment would revise Technical Specification (TS) 54.4.5, "Steam Generators," and its bases to allow sleeving of steam generator tubes to effect repairs of defective steam generator tubes.

The proposed action is in accordance with the licensee's application for amendment dated August 16, 1991, as supplemented on February 3, 1992.

**The Need for the Proposed Action**

The DBNPS has two B&W once-through-steam-generators (OTSG). Currently, 20 tubes in Steam Generator 1-1 and 54 tubes in Steam Generator 1-2 have been removed from service due to tube defects. Repairs by means other than plugging are not currently addressed in the DBNPS TS. The licensee proposes to utilize tube sleeving as an alternative to plugging. The advantage of tube sleeving versus tube plugging is that the tube will remain in service with the structural integrity of the tube maintained and only a small reduction in flow and heat transfer capabilities.

**Environmental Impacts of the Proposed Action**

The repaired tubes will have a structural integrity similar to their original condition. Accordingly, accident radiological releases will not be greater than previously determined.

Tube repair by sleeving produces individual occupational radiation doses and solid radioactive wastes approximately in the same amount as that incurred by tube plugging. Tube plugging at the DBNPS has resulted in estimated radiation exposures of 40-45 mrem per tube. The estimated radiation exposure from installing OTSG sleeves utilizing the B&W sleeving process is approximately 35 mrem/sleeve, excluding equipment setup and tear down. The effect on the cumulative occupational radiation dose to plant workers is, therefore, projected not to be significantly different from that discussed in the "Final Environmental Statement for the Davis-Besse Nuclear Power Station, Unit 1" dated March 1973 and its supplement dated October 1975.

The normal sleeving process does not directly produce any significant radioactive waste or effluent. No water, hydraulic fluid, or machining chips are generated or expanded during the sleeving process.

Accordingly, the NRC staff concludes that this proposed action would result in

no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed allowance of SG tube sleeving will not cause significant increase in the nonradiological impacts and will not change any conclusions reached by the staff in the "Final Environmental Statement for the Davis-Besse Nuclear Power Station, Unit 1" dated March 1973 and its supplement dated October 1975. Therefore, the staff concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

#### *Alternative to the Proposed Action*

Because the Commission's staff has concluded that there are no significant environmental impacts associated with the proposed action, any alternatives would have either no significantly different environmental impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts as a result of the plant operations.

#### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement for the Davis-Besse Nuclear Power Station, Unit 1" dated March 1973 and its supplement dated October 1975.

#### *Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### *Finding of No Significant Impact*

The Commission has reviewed the proposed change to the Technical Specifications of Operating License No. NPF-3 relative to the 10 CFR part 51 requirements.

Based upon the foregoing environmental assessment, the staff concludes that proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see the application for amendment dated August 16, 1991, as supplemented February 3, 1992, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the University of Toledo Library, Documents Department, 2081 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 4th day of June 1992.

For The Nuclear Regulatory Commission.  
James R. Hall,

*Acting Director, Project Directorate III-3,  
Division of Reactor Projects-III/IV-V, Office  
of Nuclear Reactor Regulation.*

[FR Doc. 92-13784 Filed 6-10-92; 8:45 am]  
BILLING CODE 7590-01-M

#### **Appointments to Performance Review Boards for Senior Executive Service**

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Appointment to Performance Review Boards for Senior Executive Service.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has announced the following appointments to NRC Performance Review Boards.

The following individuals are appointed as members of the NRC Performance Review Board (PRB) responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives:

#### *New Appointees:*

Jesse L. Funches, Deputy Controller, Office of the Controller

Francis P. Gillespie, Director, Program Management Policy Development & Analysis Staff, Office of Nuclear Reactor Regulation

Clemens J. Heltemes, Deputy Director, Generic Issues & Rulemaking, Office of Nuclear Regulatory Research

Martin Malsch, Deputy General Counsel for Licensing and Regulation, Office of General Counsel

Luis A. Reyes, Director, Division of Reactor Projects, Region II

In addition to the above new appointments, the following members are continuing on the PRB:

Guy A. Arlotto, Deputy Director, Office of Nuclear Material Safety and Safeguards

Harold R. Denton, Director, Office of International Programs

Edward L. Jordan, Director, Office for Analysis and Evaluation of Operational Data

James Lieberman, Director, Office of Enforcement

James G. Partlow, Associate Director for Projects, Office of Nuclear Reactor Regulation

Dennis K. Rathbun, Director, Office of Congressional Affairs

William B. Kerr, Director, Office of Small and Disadvantage Business Utilization and Civil Rights; continues to serve as an ex officio non-voting member.

The following individuals will continue to serve as members of the NRC PRB Panel that was established to

review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

William C. Parler, General Counsel

James H. Sniezek, Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations and Research, Office of the Executive Director for Operations  
Hugh L. Thompson, Jr., Deputy Executive Director for Nuclear Materials Safety, Safeguards and Operations Support, Office of the Executive Director for Operations

All appointments are made pursuant to section 4314 of chapter 43 of title 5 of the United States Code.

#### **FOR FURTHER INFORMATION CONTACT:**

James M. Taylor, Chairman, Executive Resources Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 504-1700.

Dated at Rockville, Maryland, this 3rd day of June 1992.

For the U.S. Nuclear Regulatory Commission.

James M. Taylor,

*Chairman, Executive Resources Board.*

[FR Doc. 92-13785 Filed 6-10-92; 8:45 am]

BILLING CODE 7590-01-M

#### **[Docket No. 40-8904]**

#### **Sohio Western Mining Co, L-Bar Mill**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Intent to Amend Source Material License SUA-1472 for the L-Bar Mill to Incorporate Reclamation Schedules.

**SUMMARY:** The Nuclear Regulatory Commission is proposing to amend Source Material License SUA-1472, Sohio Western Mining Company's L-Bar Mill, to incorporate a revised reclamation schedule and to add a new license condition.

**DATES:** The comment period expires July 27, 1992.

**ADDRESSES:** Copies of the response from Sohio Western Mining Company and the staff evaluation of the licensee's request are available for inspection at the Uranium Recovery Field Office, 730 Simms Street, Suite 100, Golden, CO, and the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Comments should be mailed to David L. Meyer, Chief, Rules and Directives Review Branch, Office of Administration, P-223, U.S. Nuclear Regulatory Commission, Washington, DC 20555, with a copy to the Director, Uranium Recovery Field Office, P.O. Box 25325, Denver, CO, 80225.

Comments may be hand-delivered to Room P-223, 7920 Norfolk Avenue, Bethesda, MD, between 7:30 a.m. and 4:15 p.m., Federal workdays.

**FOR FURTHER INFORMATION CONTACT:**  
Ramon E. Hall, Director, Uranium Recovery Field Office, Region IV, U.S. Nuclear Regulatory Commission, Box 25325, Denver, CO. Telephone: 303-231-5800.

**SUPPLEMENTARY INFORMATION:** The U.S. Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA) entered into a Memorandum of Understanding (MOU) which was published in the *Federal Register* on October 25, 1991 (56 FR 55434). The MOU requires that the NRC incorporate enforceable reclamation schedules for specific uranium mill sites into the corresponding licenses. The MOU also listed expected dates for completion of placement of a final earthen cover for each site.

The NRC requested by letter dated October 22, 1991, that the licensee submit a proposed schedule for reclamation milestones for NRC review and incorporation into the license. The licensee provided a written response on November 21, 1991, with additional information supplied by telephone on February 12, 1992.

The proposed schedule calls for placement of the final cover by December 31, 1992, which is the same date as in the MOU for this mill. The NRC staff reviewed the reclamation milestone schedule and concluded that it is reasonable, and adherence to the schedule should assure satisfactory progress toward placement of the final cover by the specified date.

The NRC intends to amend Source Material License SUA-1472 to incorporate the schedules proposed by the licensee by adding License Condition No. 34 as follows:

34. The licensee shall complete site reclamation in accordance with the approved reclamation plan and ground-water corrective action plan, as authorized by License Condition Nos. 33 and 31, respectively, in accordance with the following schedules.

A. To ensure timely compliance with target completion dates established in the Memorandum of Understanding with the Environmental Protection Agency (56 FR 55432, October 25, 1991), the licensee shall complete reclamation to control radon emissions as expeditiously as practicable, considering technological feasibility, in accordance with the following schedule:

(1) Windblown tailings retrieval and placement on the pile—complete.

(2) Placement of the interim cover to decrease the potential for tailings dispersal and erosion—complete.

(3) Placement of final radon barrier designed and constructed to limit radon emissions to an average flux of no more than 20 pCi/m<sup>2</sup>/s above background—December 31, 1992.

B. Reclamation, to ensure required longevity of the covered tailings and ground-water protection, shall be completed as expeditiously as is reasonably achievable, in accordance with the following target dates for completion:

(1) Placement of erosion protection as part of reclamation to comply with Criterion 6 of appendix A of 10 CFR part 40—December 31, 1997.

(2) Projected completion of ground-water corrective actions to meet performance objectives specified in the ground-water corrective action plan—December 31, 2016.

C. Any license amendment request to revise the completion dates specified in Section A must demonstrate that compliance was not technologically feasible (including inclement weather, litigation which compels delay to reclamation, or other factors beyond the control of the licensee).

Any license amendment request to change the target dates in section B above, must address added risk to the public health and safety and the environment, with due consideration to the economic costs involved and other factors justifying the request such as delays caused by inclement weather, regulatory delays, litigation, and other factors beyond the control of the licensee.

Dated at Denver, Colorado, this 3rd day to June 1992.

For the Nuclear Regulatory Commission.

Ramon E. Hall,

Director, Uranium Recovery Field Office.

[FR Doc. 92-13786 Filed 6-10-92; 8:45 am]

BILLING CODE 7590-01-M

**[Docket No. 50-47]**

**Order Authorizing Dismantling of Facility and Disposition of Component Parts**

In the Matter of the U.S. Army Materials Technology Laboratory; (The U.S. Army Materials Technology Laboratory Research Reactor)

By application dated October 8, 1991, as supplemented on March 16, 1992, and March 31, 1992, the U.S. Army Materials Technology Laboratory (the licensee or AMTL) requested authorization to dismantle the AMTL Research Reactor (AMTLRR), Amended Facility License

No. R-65, located at the Materials Technology Laboratory in Watertown, Massachusetts, and to dispose of the component parts, in accordance with the "Decommissioning Plan for U.S. Army Materials Technology Laboratory Research Reactor" (Decommissioning Plan) submitted as part of the application. A "Notice of Proposed Issuance of Orders Authorizing Disposition of Component Parts and Terminating Facility License" was published in the *Federal Register* on February 24, 1992, (57 FR 6339). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the application with respect to the provisions of the Commission's rules and regulations and has found that the dismantling and disposal of component parts as stated in the licensee's Decommissioning Plan will be consistent with the regulations in 10 CFR chapter I, and will not be inimical to the common defense and security or the health and safety of the public. The basis of these findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact for the proposed action (57 FR 23435, June 3, 1992). Based on that Assessment, the Commission has determined that the proposed action will not result in any significant environmental impact and that an environmental impact statement need not be prepared.

Accordingly, the licensee is hereby ordered to dismantle the U.S. Army Materials Technology Laboratory Research Reactor facility covered by Amended Facility License No. R-65, as amended, and dispose of the component parts in accordance with the Decommissioning Plan, as amended, and the Commission's rules and regulations.

After completion of the dismantling and disposal, the licensee will submit a report on the radiation survey it has performed to confirm that radiation and surface contamination levels in the facility area satisfy the values specified in the Decommissioning Plan and in the Commission's guidance which is set forth in the staff's Safety Evaluation. Following an inspection by representatives of the Commission to verify the radiation and contamination levels in the facility, consideration will be given to issuance of a further order terminating Amended Facility License No. R-65.

For further detail with respect to this action, see (1) the licensee's application for authorization to dismantle the facility, dispose of component parts, and terminate Amended Facility License No. R-65, dated October 8, 1991, as supplemented; (2) the Commission's Safety Evaluation; and (3) the Environmental Assessment and Finding of No Significant Impact. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC. Copies of items (2) (3) may be obtained by request to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III/IV/V. Dated at Rockville, Maryland the 3rd day of June 1992.

For the Nuclear Regulatory Commission.  
Bruce A. Boger.

Director, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-13665 Filed 6-10-92; 8:45 am]

BILLING CODE 7590-01-M

## RAILROAD RETIREMENT BOARD

### Actuarial Advisory Committee With Respect to the Railroad Retirement Accounts; Public Meeting

Notice is hereby given in accordance with Public Law 92-463 that the Actuarial Advisory Committee will hold a meeting on June 15, 1992, at the Office of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 19th Actuarial Valuation of the Railroad Retirement System. The agenda for this meeting will include a discussion of assumptions to be used in the 19th Actuarial Valuation. A report containing recommended assumptions and the experience on which the recommendations are based will have been sent by the Chief Actuary to the Committee before the meeting.

The meeting will be open to the public. Persons wishing to submit written statements or make oral presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

Dated: June 5, 1992.

Beatrice Ezerski,

Secretary to the Board

[FR Doc. 92-13782 Filed 6-10-92; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30773; International Series No. 395; File No. SR-NASD-91-48]

### Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Listing Guidelines Applicable to Index Warrants

June 3, 1992.

On September 18, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to allow the NASD to include in NASDAQ warrants based upon established foreign and domestic stock market indexes.

The proposed rule change was published in Securities Exchange Act Release No., 29787 (October 7, 1991), 56 FR 51432. No comments were received on the proposed rule change.

The NASD proposes to amend Schedule D of the NASD By-Laws and the NASD's Rules of Fair Practice to establish inclusions standards for index warrants in the NASDAQ/National Market System ("NMS") and a regulatory framework applicable to all index warrants, trading over-the-counter ("OTC") regardless whether they are NASDAQ/NMS securities or not.<sup>3</sup> These index warrants may overlie an established foreign or domestic stock index. The proposed warrants will be cash-settled, unsecured obligation of the issuer with a term of between one to five years. Only index warrants based on established domestic and foreign market indexes will be accepted for inclusions on NASDAQ. The NASD plans to trade over NASDAQ both American-style warrants (*i.e.*, exercisable throughout their life) and European-style warrants (*i.e.*, exercisable only upon their expiration date). Upon exercise, or at the warrant's expiration date if not exercisable prior to such date, the holder of a warrant resembling a put option would receive payment in U.S. dollars to the extent that the underlying index has declined below a pre-stated cash settlement

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1982).

<sup>2</sup> 17 CFR 240.19-4 (1989).

<sup>3</sup> The American Stock Exchange and the New York Stock Exchange, among other exchanges, also have developed a similar regulatory framework and listing standards for index Warrant. See Securities Exchange Act Releaser Nos. 26152 (October 3, 1988), 53 FR 39832, 28153 (June 26, 1990), 55 FR 27734.

value, while the holder of a warrant resembling a call option would receive payment in U.S. dollars to the extent that the index has increased above the per-state cash settlement value.

Warrants that are "out-of-the money" at the end of the stated term would expire worthless.

The NASD will consider stock index warrants for inclusions on its NASDAQ/NMS system on a cases-by-case basis. Because the warrant will represent unsecured obligations of their issuer, only warrants issued by companies that exceed the NASD's financial criteria for inclusion on its NASDAQ/NMS system and that have assets in excess of \$100 million will be eligible for listing. For each warrant issue, the NASD proposes to require a minimum public distribution of 1,000,000 warrants together with a minimum of 400 public holders, and an aggregate market value of \$4 million.

The NASD also proposes to amend the policy of the NASD's Board of Governors contained in Article III, section 2 of the NASD's Rules of Fair Practice to require the use of certain options standards and rules in connection with all public customer transactions in index warrants, regardless of whether these transactions are NASDAQ/NMS securities or in other index warrants traded OTC. Specifically, the proposal applies options suitability, discretionary account and supervision standards to customers transactions in index warrants. First, the proposal provides that section 19 of appendix E to the Rules of Fair practice will apply to index warrants. Section 19 prohibits NASD members from making recommendations to customers that are unsuitable based upon the NASD member's reasonable belief regarding a customer's investment objectives, financial situation and needs and any other information known by the NASD member. Second, the proposal provides that section 18 of appendix E will apply to index warrants. This section will require NASD members to obtain written authorization from customers prior to exercising any discretionary authority over their accounts with respect to index warrants and also will require each index warrant transaction effected pursuant to the grant of discretionary power to be approved by a branch office manager or Registered Options Principal ("ROP"). Third, section 20 of appendix E to the Rules of Fair Practice will apply to index warrants. This section will require members to develop and implement written procedures for the diligent

supervision of all customer accounts engaged in index warrants transactions.

In addition to applying these standards and requirements to customers that wish to trade index warrants in the OTC market, the proposed policy stipulates that NASD members can only effect OTC index warrant transactions with customers whose accounts have been approved for options trading. The NASD also proposes to distribute circulars to its members regarding the trading on NASDAQ of each type of stock index warrant.

Finally, with respect to NASDAQ warrants overlying foreign stock indexes, the NASD represents that it will ensure that there will be an adequate mechanism in place for sharing surveillance information between the NASD and the market(s) on which the securities underlying the foreign indexes are traded. Accordingly, prior to listing a warrant on an index of foreign securities, the NASD will undertake to establish an appropriate mechanism for information sharing, such as entering into a surveillance sharing agreement with relevant foreign self-regulatory organizations.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 15A(b)(6).<sup>4</sup> More specifically, the Commission believes that index warrants provide investors with a novel vehicle for their hedging and investment requirements and serve as an alternative to the use of stock index futures and stock index options.

Because index warrants are derivative in nature and closely resemble index options, the Commission has several specific concerns regarding these instruments. In particular, index warrants raise special customer suitability, disclosure, and secondary market trading issues. The Commission, however, believes that the NASD has designed reasonable rules and procedures to address the special concerns attendant to the secondary trading of index warrants in the OTC market. By imposing special suitability, disclosure, and compliance requirements on index warrants, the Commission believes the NASD has addressed the potential public sales practice problems that could arise from the derivative nature of these products.

Specifically, the NASD will apply the same customer safeguards that are

applicable to options trading to transactions in index warrant in the OTC market. For example, the branch office manager or ROP will be required to review any discretionary index warrant transaction on the day the transaction is executed. As with index options, this procedure will ensure that appropriate supervisory personnel at member firms will review these transactions promptly. In addition, the NASD will require that index warrants traded in the OTC market be sold only to options-approved accounts. Moreover, the distribution of circulars regarding trading in index warrants on NASDAQ should ensure that the risks and characteristics of index warrants are adequately disclosed to investors. Finally, the NASDAQ inclusion standard for index warrants should ensure that only substantial companies capable of meeting their warrant obligations issue the index warrants.

The Commission believes further that it is appropriate to apply an options suitability standard to index warrants traded in the OTC market. Because index warrants possess many of the same basic risks as index options,<sup>5</sup> the Commission believes that the same standards should apply to recommendations in the two products. Accordingly, the Commission believes that applying existing options suitability procedures to index warrants traded in the OTC market should ensure that only customers with an understanding of index warrants and the financial capacity to bear the risks attendant to index warrants trading will be trading index warrants based on their broker's recommendations.

Finally, the Commission has reviewed the surveillance procedures established by the NASD for index warrant trading on NASDAQ. The Commission finds these to be adequate to detect and deter any potential manipulation or other abusive trading activity involving index warrants trading on NASDAQ.

Warrants, unlike standardized options, do not have a clearinghouse guarantee but are instead dependent upon the individual credit of the issuer. This heightens the possibility that an exerciser of warrants may not be able to receive full cash settlement upon exercise. To some extent this risk is minimized by the NASD standard that warrant issuers included within the NASDAQ/NMS system possess at least \$100,000,000 in assets. In any event, financial information regarding the issuers of index warrants will be disclosed or incorporated in the

prospectuses accompanying the offerings of the warrants.

Finally, although the proposed rule change provides a structure for including index warrants on NASDAQ, the NASD will be required to submit, as separate 19(b)(2) rule changes for Commission approval, each specific stock index that it proposes for inclusion on the NASDAQ/NMS system. The rule change will provide the Commission with an opportunity to determine, among other things, if a particular index raises the potential for manipulations or other trading abuse concerns.<sup>6</sup>

*It is therefore ordered, Pursuant to section 19(b)(2) of the Act,<sup>7</sup> that proposed rule change (SR-NASD-91-48) that establishes a regulatory framework to permit the trading of index warrants based on both domestic and foreign market indexes be, and hereby is, approved.*

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-13704 Filed 6-10-92; 8:45 am]  
BILLING CODE 8010-01-M

[Investment Company Act Rel. No. 18753; 812-7845]

#### The Advantage Growth and Treasury Securities Trust, et al.; Application

June 4, 1992.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 (the "act").

**APPLICANTS:** The Advantage Growth and Treasury Securities Trust, Series 1 and subsequent series (the "Advantage Trust"), The First Trust Special Situations Trust, Series 1 and subsequent series (the "Situations Trust") (the Advantage Trust and the Situations Trust are collectively referred to herein as the "Trusts"), and The Advantage Government Securities Fund, The Advantage High Yield Bond Fund, The Advantage Income Fund, The Advantage Growth Fund, The

<sup>6</sup> In this connection, the Commission notes that for warrants based on a foreign stock index, adequate surveillance sharing agreements between the NASD and the foreign market(s) where the index's component stocks are traded would be a necessary prerequisite for a Commission determination that a given stock index warrant was not readily susceptible to manipulation or for a manipulations or other improper or illegal trading.

<sup>7</sup> 15 U.S.C. 78s(b)(2) (1982).

<sup>8</sup> 17 CFR 200.30-3(a)(12) (1989).

Advantage Special Fund, and the Scottish Widows International Fund, on behalf of themselves and any series of portfolio thereof other than any series or portfolios thereof that are money market or no-load funds; Advest, Inc. (the "Distributor"); Boston Security Counsellors, Inc. (the "Adviser"); and any open-end management investment companies (other than any funds that are money market or no-load funds) that may in the future be advised by the Adviser or an investment adviser controlled by or under common control with the Adviser, or have as their principal underwriter the Distributor or an underwriter controlled by or under common control with the Distributor (all of the named investment companies and investment companies listed or described above being hereinafter referred to as the "Funds"); and Nike Securities L.P. (the "Sponsor").

**RELEVANT ACT SECTIONS:** Order requested under section 6(c) granting exemptions from sections 12(d)(1), 14(a), 19(b) and 22(d) and rule 19b-1, under sections 11(a) and (c) permitting certain offers of exchange, and under section 17(d) and rule 17d-1 permitting certain affiliated transactions.

**SUMMARY OF APPLICATION:** Applicants seek a conditional order: (a) Permitting series of the Advantage Trust to invest in shares of one of the Funds and zero coupon obligations; (b) exempting the Sponsor from having to take for its own account or place with others \$100,000 worth of units in the Trusts; (c) permitting the Trusts to distribute capital gains resulting from redemption of Fund shares within a reasonable time after receipt; (d) permitting waiver of any sales load otherwise applicable on Fund shares that the Advantage Trust has purchased; (e) permitting certain offers of exchange involving the Advantage Trust; and (f) permitting certain affiliated transactions involving the Advantage Trust.

**FILING DATE:** The application was filed on January 6, 1992, and amended on March 25, 1992 and May 12, 1992.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 29, 1992, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and

the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549. Applicants: Advest, Inc., One Commercial Plaza, 280 Trumbull Street, Hartford, Connecticut 06103; Nike Securities L.P., 1001 Warrenville Road, Lisle, Illinois 60532; all other applicants, 60 State Street, Boston, Massachusetts 02109.

**FOR FURTHER INFORMATION CONTACT:** C. David Messman, Branch Chief, at (202) 272-3018, or Barry D. Miller, Senior Special Counsel, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

#### Applicants' Representations

1. Each of the Fund is an open-end management investment company registered under the Act. The Adviser is an investment adviser registered under the Investment Advisers Act of 1940 and provides advisory services to all of the Funds. The Distributor is a broker-dealer registered under the Securities Exchange Act of the 1934 and acts as principal underwriter of shares of all of the Funds.

2. All of the Funds have adopted rule 12b-1 plans. All of the Funds currently impose contingent deferred sales charges, except for the Scottish Widows International fund, which charges a front-end sales load.

3. The Trusts will be registered under the Act as unit investment trusts and units of the trusts will be offered in series. The Advantage Trust will invest in stripped U.S. government obligations ("zero coupon obligations") and shares of one of the funds. The Advantage Trust's objective is to provide protection of capital while providing for capital appreciation through investments in zero coupon obligations and shares of the Funds. The objectives of the Situations Trusts will vary in accordance with the nature of the portfolio of each trust. The Situations Trust will invest in equity securities exclusively, or in equity securities and zero coupon obligations. Each Trust series will be organized pursuant to a trust indenture that will incorporate a master trust agreement relating to the entire Trust and that will name a qualified bank as trustee (the "Trustee").

4. Each Trust series will be sponsored by the Sponsor. The Sponsor will deposit zero coupon obligations and equity securities in the Trust at the price determined by an independent evaluator. The Sponsor expects to deposit in the trusts substantially more than \$100,000 aggregate value of zero coupon obligations, Fund shares or equity securities. Shares of the Funds will be deposited in the Trust at their net asset value. Simultaneously with such deposit, the Trustee will deliver to the Sponsor registered certificates for units which will represent the entire ownership of the Trust series.

5. Trust units will be offered for sale to the public through the final prospectus by the Sponsor following the declaration of the effectiveness of the registration statement for the securities of that Trust series under the Securities Act of 1933 (the "Securities Act") and clearance by the blue sky authorities of the various states. Trust series are intended to be offered to the public initially at prices based on the net asset value of the shares of the Fund selected for deposit in an Advantage Trust series, or the net asset value of the equity securities selected for deposit in a Situations Trust series, plus the offering side value of the zero coupon obligations contained therein, if any, plus a sales charge. The Trusts will redeem units at prices based on the aggregate bid side evaluation of the zero coupon obligations, if any, and the net asset value of the Fund shares or the equity securities.

6. With the deposit of the securities in the Trust series containing zero coupon obligations on the initial date of deposit, the sponsor will have established a proportionate relationship between the principal amounts of zero coupon obligations and Fund shares or equity securities in the Trust series. The Sponsor will be permitted under the Trust Agreement to deposit additional securities, which may result in a potential corresponding increase in the number of units outstanding. Such units may be continuously offered for sale to the public by means of the prospectus. The Sponsor anticipates that any additional securities deposited in the Trust series subsequent to the initial date of deposit in connection with the sale of these additional units will maintain the proportionate relationship between the principal amounts of zero coupon obligations and Fund shares or equity securities in the Trust series.

7. The contingent deferred sales charge or front-end sales load that would normally be applicable on sales of Fund shares will be waived.

Moreover, payments to the Sponsor or Distributor in respect of units under any plans that have been adopted by the Funds pursuant to rule 12b-1 will be rebated to the Trustee.

8. The Trusts containing zero coupon obligations will be structured so that each such Trust series will contain a sufficient amount of zero coupon obligations to assure that, at the specified maturity date for such Trust series, the purchaser of a unit will receive back at least the total amount of the original investment in the Trust, including the sales charge. Such investor will receive more than the original investment to the extent that the underlying Fund or equity securities made any distributions during the life of the Trust and had any value at the maturity of the Trust series.

9. The Sponsor intends to maintain a secondary market for units of the Trust based on the aggregate bid side evaluation of the zero coupon obligations, but is not obligated to do so. The existence of such a secondary market will reduce the number of units tendered to the Trustee for redemption and thus alleviate the necessity of selling portfolio securities to raise the cash necessary to meet such redemptions. In the event that the Sponsor does not maintain a secondary market, the Trust Agreement will provide that the Sponsor will not instruct the Trustee to sell zero coupon obligations from any Trust series until shares of the Fund have been liquidated in order not to impair the protection provided by the zero coupon obligations, unless the Trustee is able to sell such zero coupon obligations and still maintain at least the original proportional relationship to unit value and, further, the zero coupon obligations may not be sold to meet Trust expenses.

10. The Advantage Trust has taken certain steps to reduce the impact of the termination of a series of the Advantage Trust on the fund deposited therein. First, the Advantage Trust will, with respect to all unitholders still holding units at scheduled termination and to the extent desired by such unitholders, transfer the registration of their proportionate number of Fund shares from the Advantage Trust to a registration in the investor's name in lieu of redeeming such shares and, second, the Fund will offer all such unitholders the option of reinvesting the proceeds of the zero coupon obligations in fund shares at net asset value (i.e., without the imposition of a sales load). Proceeds from the zero coupon obligations will be paid in cash unless the unitholder elects reinvestment. The

Fund also will offer unitholders the option of reinvesting all distributions from the Advantage Trust during the life of the Advantage Trust series in Fund shares at net asset value.

#### Applicants' Legal Conclusions

1. Section 12(d)(1) generally limits acquisition by an investment company, such as the Advantage Trust, of shares of a registered investment company, such as a Fund, in the following ways: (a) The acquiring company may not acquire more than 3 percent of the total outstanding voting stock of the acquired company; (b) the securities issued by the acquired company may not have a value in excess of 5 percent of the value of the assets of the acquiring company; and (c) securities issued by the acquired company and all other investment companies may not have an aggregate value in excess of 10 percent of the total assets of the acquiring company.

2. A major purpose of section 12(d)(1) is to prevent the duplication of costs and other adverse consequences to investors incident to the pyramiding of investment companies. This proposal is structured so as to eliminate the pyramiding of expenses. There will be no sales charge or distribution fee imposed on Fund shares deposited in an Advantage Trust, there will be no investment advisor fee charge with respect to the Advantage Trust since it will be unmanaged, and no evaluation fee will be charged with respect to Fund shares in the Advantage Trust. Another concern addressed by section 12(d)(1) is potentially abusive control problems that could result from the concentration of voting power in a fund holding company. To address this concern, applicants have agreed that shares of a Fund held by the Advantage Trust will be voted by the Trustee in the same proportion as all other shares of that fund not held by the Advantage Trust are voted. Another concern underlying section 12(d)(1) is the possibility of large scale redemptions of shares of the underlying fund. The Trust Agreement will, however, permit the Advantage Trust to sell Fund shares only when necessary to meet redemptions or pay Advantage Trust expenses. Neither the Trustee nor the Sponsor will have any discretionary authority to determine when shares of the Funds are to be sold or to substitute shares of another Fund for those deposited in the Advantage Trust. The threat to a Fund from large-scale redemptions is further reduced by the fact that each Advantage Trust series is prohibited from acquiring more than 10 percent of the outstanding shares of any Fund.

3. Section 14(a) requires that registered investment companies have \$100,000 of net worth prior to making a public offering. Since the Trust will have an initial net worth in excess of \$100,000 invested in zero coupon obligations, Fund shares, or equity securities prior to the date on which effectiveness is requested for the Trust's registration statement under the Securities Act, applicants believe that each Trust series will comply fully with section 14(a). Applicants request an exemption to the extent that section 14(a) would require the Sponsor to take for its own account or place with others \$100,000 worth of units under an investment letter. Applicants intend to comply in all respects with the requirements of rule 14a-3, which provides an exemption from section 14(a), except that each Trust series will not restrict its portfolio to "eligible trust securities."

4. Section 19(b) and rule 19b-1 provide that, except under limited circumstances, no registered investment company may distribute long-term capital gains more than once every twelve months. These provisions were designed to remove the temptation to realize capital gains on a frequent and regular basis, and to eliminate attempts by investment advisers to time distributions to be advantageous to shareholders. Moreover, there was concern that investors would be confused by a failure to distinguish between regular distributions of capital gains and distribution of investment income. Applicants request an exemption from rule 19b-1 to the extent necessary to permit capital gains earned in connection with the redemption to Fund shares or the sale of equity securities to be distributed to unitholders along with the Trust's regular distributions. The requested exemption is consistent with the purposes of section 19(b) and rule 19b-1 because the dangers of manipulation of capital gains and confusion between capital gains and regular income distributions does not exist in the Trust since the Trust and its Sponsor have substantially no control over events, other than the selection of the portfolio, that might trigger capital gains (i.e., the tendering of units for redemption). For the reasons stated above, and because distributions of capital are clearly indicated in accompanying reports to unitholders as a return of principal and are relatively small in comparison to normal dividend distributions, the danger of confusion is not present in the operations of the Trusts.

5. Section 22(d) generally prohibits a registered investment company from

selling its shares except at a current offering price described in the prospectus. Applicants request an exemption from section 22(d) to permit the waiver of any otherwise applicable contingent deferred sales charge on: (a) Redemptions by the Advantage Trusts of any of its holdings of the Funds; and (b) redemptions by investors of their holdings of the Funds attributable to their (i) reinvestment of proceeds of the zero coupon obligations at maturity of an Advantage Trust series, (ii) transfer of registration at maturity or upon dissolution of an Advantage Trust series, of the proportionate number of Fund shares from the Advantage Trust to the investor, and (iii) reinvestment, if any, of Advantage Trust distributions made during the life of a Trust series. The imposition of the contingent deferred sales charge on the above-described redemptions of Fund shares would be duplicative to investors in the Advantage Trusts and, accordingly, would raise concerns under section 12(d)(1) regarding the pyramiding of expenses. Waiver of the contingent deferred sale charge will not harm the Funds or their remaining shareholders or unfairly discriminate among shareholders or purchasers of Fund shares. The Funds will fully disclose the waiver provision in the applicable prospectuses.

6. Section 11(a) makes it unlawful for any registered open-end investment company or principal underwriter for such company to make or cause to be made certain offers of exchange on any basis other than the relative net asset values of the securities to be exchanged unless the terms of the exchange offer have first been approved by the SEC. Section 11(c) provides that section 11(a) will be applicable to any type of exchange offer involving securities of a registered unit investment trust, irrespective of the basis of exchange. Applicants seek an order pursuant to sections 11 (a) and (c) of approving the termination option described below. At the termination of each Advantage Trust series, unitholders holding units at maturity will have the option of either (a) transferring the registration of their proportionate number of Fund shares from the Advantage Trust to a registration in the investor's name or (b) receiving a cash distribution. Such unitholders also will have the option of either (a) reinvesting the proceeds of the zero-coupon obligations in additional Fund shares (without imposition of a CDSL or sales load) or (b) receiving a cash distribution. This termination option will give unitholders the flexibility of a choice.

7. Fund shares held by participants after the termination of an Advantage Trust series will, however, be subject to any applicable rule 12b-1 fees, as are all other shares held directly by investors. Although the Fund shares have a sales load or are subject to a CDSL, none will be charged to the unitholders in the proposed termination option. In addition, there will be no other transaction fees since the proposed termination option will involve no selling effort or expense. Thus, there will be no additional cost, other than the rule 12b-1 fee, to unitholders who choose to retain Fund shares upon termination of an Advantage Trust series. If unitholders chose instead to take a cash distribution upon termination of an Advantage Trust series and later decide to invest in Fund shares, they would have to pay a front-end sales load or would be subject to the imposition of a contingent deferred sales load. Furthermore, the unitholder will already be acquainted with the specific investment objectives, policies and procedures of the Fund through investment in the Advantage Trust.

8. Section 17(d) and rule 17d-1 make it unlawful for any affiliated person of or principal underwriter for a registered investment company, or any affiliated person of such affiliated person or principal underwriter, acting as principal, to engage in a joint transaction with the registered investment company unless the joint transaction has been approved by the Commission. Neither the Funds nor their shareholders will suffer any detriment from creation of the Trusts, nor will affiliated persons or principal underwriters of the Funds receive any special benefits from which the Funds would be excluded. Applicants have structured the Trusts to eliminate as many potential areas of concern involving affiliated transactions as possible. There will be no duplication of sales charges or distribution fees with respect to Fund shares and Units. In addition, there will be no overlap of fees for portfolio management, no management fee will be charged at the Trust level and, recognizing that the price of Fund shares can be easily obtained, no evaluation fee will be assessed with respect to that portion of a Trust's portfolio represented by such shares. The proposed arrangements are consistent with the provisions, policies and purposes of the Act, and participation by each registered investment company is not on a basis less advantageous than that of other participants.

#### Applicants' Conditions

1. The Trustee will not redeem Fund shares except to the extent necessary to meet redemptions of units by unitholders, or to pay Advantage Trust expenses should distributions and rebated rule 12b-1 fees received on Fund shares prove insufficient to cover such expenses.

2. Any rule 12b-1 fees received by the Sponsor or Distributor in connection with the distribution of Fund shares to the Advantage Trust will be immediately rebated to the Trustee.

3. No one series of the Advantage Trust will, at the time of any deposit of any Fund shares, hold as a result of that deposit, more than 10% of the then-outstanding shares of a Fund.

4. All Advantage Trust series investing in shares of the same Fund will be structured so that their maturity dates will be at least thirty days apart from one another.

5. Applicants will comply in all respects with the requirements of rule 14a-3, except that the Trusts will not restrict their portfolio investments to "eligible trust securities."

6. Shares of a Fund that are held by a series of the Advantage Trust will be voted by the Trustee of the Advantage Trust, and the Trustee will vote all shares of a Fund held in an Advantage Trust in the same proportion as all other shares of that Fund not held by the Advantage Trust are voted.

7. No sales charge or redemption fee will be imposed on any shares of the Funds deposited in any series of the Advantage Trust or on any shares acquired by unitholders through reinvestment of dividends or distributions or through reinvestment at termination.

8. Applicants agree to comply with rule 6c-10 as currently proposed, and as it may be repropose, adopted or amended.

9. The prospectus of each Trust series and any sales literature or advertising that mentions the existence of a reinvestment option will disclose that shareholders who elect to invest in Fund shares will incur a rule 12b-1 fee.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FIR Doc. 92-13705 Filed 6-10-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18755; 811-3367]

**Hutton AMA Cash Fund, Inc.; Application for Deregistration**

June 4, 1992

**AGENCY:** Securities and Exchange Commission ("SEC").**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 ("Act").**APPLICANT:** Hutton AMA Cash Fund, Inc.**RELEVANT ACT SECTION:** Section 8(f).**SUMMARY OF APPLICATION:** Applicant seeks an order declaring that it has ceased to be an investment company.**FILING DATE:** The application on Form N-8F was filed on January 14, 1992, and amended on May 13, 1992.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 29, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Two World Trade Center, New York, NY 10048.

**FOR FURTHER INFORMATION CONTACT:** Barry A. Mendelson, Staff Attorney, at (202) 504-2284, or C. David Messman, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

**Applicant's Representations**

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On December 30, 1981, applicant registered under the Act and filed a registration statement under the Securities Act of 1933. The registration statement became effective on March 23, 1982, and applicant's initial public

offering commenced immediately thereafter.

2. On August 5, 1988, applicant's board of directors approved an Agreement and Plan of Reorganization ("Plan") providing for the transfer of applicant's assets to Shearson Lehman Daily Dividend Inc. ("Successor Fund") in exchange for shares of the Successor Fund and the assumption by the Successor Fund of certain stated liabilities of applicant. The Successor Fund's board of directors approved the Plan on July 20, 1988. On or about September 19, 1988, proxy materials relating to the Plan were mailed to applicant's shareholders, who approved the Plan at a special meeting held on November 22, 1988.

3. On December 2, 1988, pursuant to the Plan, each shareholder of applicant became a shareholder of the Successor Fund, receiving shares of that fund having an aggregate net asset value equal to the aggregate net asset value of his or her investment in applicant. The net asset value of applicant as of December 2, 1988 was \$1,720,167,303.

4. The expenses incident to the reorganization, consisting of accounting, printing, administrative, and legal expenses, totaled \$561,559.77. These expenses were borne by applicant (\$242,853.43), the Successor Fund (\$24,722.04), and Shearson Lehman Brothers Inc., applicant's investment adviser (\$293,984.30). Applicant is aware that such expenses, in the aggregate, are in excess of those incurred in most other reorganizations. Applicant represents that the primary reason for the elevated level of expenses was the number of accounts involved in the reorganization, i.e., 198,932. The amount expended, per account, in the reorganization was \$2.82. Applicant submits that, on a per account basis, the expenses incurred were not in excess of those reasonably incurred in other reorganizations.

5. Articles of Transfer were filed on December 2, 1988, and Articles of Dissolution will be filed, on behalf of applicant with the Maryland State Department of Assessments and Taxation to effect the dissolution of applicant as a Maryland corporation.

6. Applicant has no shareholders, assets, or liabilities, and is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,  
*Deputy Secretary*

[FR Doc. 92-13702 Filed 6-10-92; 8:45 am]  
BILLING CODE 8010-01-M

[Rel. No. IC-18754; 811-3439]

**Hutton Government Fund, Inc.; Application for Deregistration**

June 4, 1992.

**AGENCY:** Securities and Exchange Commission ("SEC").**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 ("Act").**APPLICANT:** Hutton Government Fund, Inc.**RELEVANT ACT SECTION:** Section 8(f).**SUMMARY OF APPLICATION:** Applicant seeks an order declaring that it has ceased to be an investment company.**FILING DATES:** The application on Form N-8F was filed on January 14, 1992, and amended on May 13, 1992.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 29, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Two World Trade Center, New York, NY 10048.

**FOR FURTHER INFORMATION CONTACT:** Barry A. Mendelson, Staff Attorney, at (202) 504-2284, or C. David Messman, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

**Applicant's Representation**

1. Applicant is an open-end diversified management investment

company organized as a Maryland corporation. On April 2, 1982, applicant registered under the Act and filed a registration statement under the Securities Act of 1933. The registration statement became effective on June 11, 1982, and applicant's initial public offering commenced immediately thereafter.

2. On August 5, 1988, applicant's board of directors approved an Agreement and Plan of Reorganization ("Plan") providing for the transfer of applicant's assets to Shearson Government and Agencies, Inc. ("Successor Fund") in exchange for shares of the Successor Fund and the assumption by the Successor Fund of certain stated liabilities of applicant. The Successor Fund's board of directors approved the Plan on July 20, 1988. On or about September 19, 1988, proxy materials relating to the Plan were mailed to applicant's shareholders, who approved the Plan at a special meeting held on November 22, 1988.

3. On December 2, 1988, pursuant to the Plan, each shareholder of applicant became a shareholder of the Successor Fund, receiving shares of that fund having an aggregate net asset value equal to the aggregate net asset value of his or her investment in applicant. The net asset value of applicant as of December 2, 1988 was \$880,919,150.

4. The expenses incident to the reorganization, consisting of accounting, printing, administrative, and legal expenses, totaled \$1,278,686.16. These expenses were borne by applicant (\$562,142.75), the Successor Fund (\$48,180.57), and Shearson Lehman Brothers Inc., applicant's investment adviser (\$668,362.84). Applicant is aware that such expenses, in the aggregate, are in excess of those incurred in most other reorganizations. Applicant represents that the primary reason for the elevated level of expenses was the number of accounts involved in the reorganization, i.e., 424,240. The amount expended, per account, in the reorganization was \$3.01. Applicant submits that, on a per account basis, the expenses incurred were not in excess of those reasonably incurred in other reorganizations.

5. Articles of Transfer were filed on December 2, 1988, and Articles of Dissolution will be filed, on behalf of applicant with the Maryland State Department of Assessments and Taxation to effect the dissolution of applicant as a Maryland corporation.

6. Applicant has no shareholders, assets, or liabilities, and is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to

engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-13701 Filed 6-10-92; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18756; 811-3607]

**Hutton National Municipal Fund Inc.; Application for Deregistration**

June 4, 1992.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 ("Act").

**APPLICANT:** Hutton National Municipal Fund Inc.

**RELEVANT ACT SECTION:** Section 8(f).

**SUMMARY OF APPLICATION:** Applicant seeks an order declaring that it has ceased to be an investment company.

**FILING DATE:** The application on Form N-8F was filed on January 14, 1992, and amended on May 13, 1992.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 29, 1992, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, Two World Trade Center, New York, NY 10048.

**FOR FURTHER INFORMATION CONTACT:** Barry A. Mendelson, Staff Attorney, at (202) 504-2284, or C. David Messman, Branch Chief, at (202) 272-3018 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application

may be obtained for a fee at the SEC's Public Reference Branch.

**Applicant's Representation**

1. Applicant is an open-end diversified management investment company organized as a Maryland corporation. On November 24, 1982, applicant registered under the Act and filed a registration statement under the Securities Act of 1933. The registration statement became effective on May 27, 1983, and applicant's initial public offering commenced immediately thereafter.

2. On August 5, 1988, applicant's board of directors approved an Agreement and Plan of Reorganization ("Plan") providing for the transfer of applicant's assets to SLH Managed Municipal Fund Inc.<sup>1</sup> ("Successor Fund") in exchange for shares of the Successor Fund and the assumption by the Successor Fund of certain stated liabilities of applicant. The Successor Fund's board of directors approved the Plan on July 20, 1988. On or about September 19, 1988, proxy materials relating to the Plan were mailed to applicant's shareholders, who approved the Plan at a special meeting held on October 25, 1988.

3. On November 4, 1988, pursuant to the Plan, each shareholder of applicant became a shareholder of the Successor Fund, receiving shares of that fund having an aggregate net asset value equal to the aggregate net asset value of his or her investment in applicant. The net asset value of applicant as of November 4, 1988 was \$964,384,301.

4. The expenses incident to the reorganization, consisting of accounting, printing, administrative, and legal expenses, totaled \$210,366.41. These expenses were borne by applicant (\$16,663.59), the Successor Fund (\$83,573.10), and Shearson Lehman Brothers Inc., applicant's investment adviser (\$110,129.72). Applicant is aware that such expenses, in the aggregate, are in excess of those incurred in most other reorganizations. Applicant represents that the primary reason for the elevated level of expenses was the number of accounts involved in the reorganization, i.e., 74,730. The amount expended, per account, in the reorganization was \$2.82. Applicant submits that, on a per account basis, the expenses incurred were not in excess of those reasonably incurred in other reorganizations.

5. Articles of Transfer were filed on

<sup>1</sup> Effective December 15, 1988, Shearson Lehman Managed Municipal Fund Inc. changed its name to SLH Managed Municipal Fund Inc.

November 4, 1988, and Articles of Dissolution will be filed, on behalf of applicant with the Maryland State Department of Assessments and Taxation to effect the dissolution of applicant as a Maryland corporation.

6. Applicant has no shareholders, assets, or liabilities, and is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 92-13703 Filed 6-10-92; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Advisory Circular 45-2A; Identification and Registration Marking

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of Advisory Circular 45-2A, Identification and Registration Marking. Advisory Circular 45-2A updates the guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) part 45, and describes an acceptable means, but not the only means, of compliance with the regulations.

**ADDRESSES:** Copies of Advisory Circular 45-2A can be obtained from the following: Department of Transportation, Utilization and Storage Section, M443.2, 400 Seventh Street SW., Washington, DC 20591.

Issued in Washington, DC, on June 5, 1992.

Dana D. Lakeman,

Acting Manager, Aircraft Manufacturing Division.

[FR Doc. 92-13738 Filed 6-10-92; 8:45 am]

BILLING CODE 4910-13-M

#### Aviation Security Advisory Committee; Meetings

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of aviation security advisory committee meeting.

**SUMMARY:** Notice is hereby given of a

meeting of the Aviation Security Advisory Committee.

**DATES:** The meeting will be held June 23, 1992, from 9 a.m. to 1 p.m.

**ADDRESSES:** The meeting will be held in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

The Office of the Assistant Administrator for Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-7416.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. II), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held June 23, 1992, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

The agenda for the meeting will include an introduction of new committee members, a report from the Security Operations Subcommittee on the carriage of weapons aboard aircraft issue, an update on the Notice of Proposed Rulemaking on the Unescorted Access Privilege, the Cargo and Mail Study, and the All Cargo Air Carrier Security Program. There will also be a report given by the Security Research and Development (R&D) Panel of the FAA R&D Advisory Committee. Attendance at the June 23, 1992, meeting is open to the public but limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at any time.

Persons wishing to present statements or obtain information should contact the Office of the Assistant Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202-267-7416.

Issued in Washington, DC on June 4, 1992.

O.K. Steele,

Assistant Administrator, Civil Aviation Security.

[FR Doc. 92-13734 Filed 6-10-92; 8:45 am]

BILLING CODE 4910-13-M

## Federal Aviation Administration

### Intent to Rule on Application to Impose a Passenger Facility Charge (PFC) at Kent County International Airport, Grand Rapids, MI

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose a PFC at Kent County International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

**DATES:** Comments must be received on or before July 13, 1992.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. James A. Koslosky, Director, of the Kent County Department of Aeronautics at the following address: Kent County International Airport, 5500 44th Street, SE, Grand Rapids, Michigan 49512.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Kent County Department of Aeronautics under § 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter A. Serini, Manager, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (313) 487-7300. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose a PFC at Kent County International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 27, 1992, the FAA determined that the application to impose a PFC submitted by Kent County Department of Aeronautics was substantially complete within the requirements of § 158.25 of part 158. The FAA will

approve or disapprove the application, in whole or in part, no later than September 8, 1992.

The following is a brief overview of the application.

*Level of the proposed PFC:* \$3.00.

*Proposed charge effective date:* November 1, 1992.

*Proposed charge expiration date:* April 30, 1998.

*Total estimated PFC revenue:* \$12,450,000.

*Brief description of proposed project:* Realign and extend Runway 18/36 in 17/35 configuration, including taxiways and navigational aids.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operator filing FAA Form 1800-31.

Any person may inspect the application in person at the FAA office listed above under **"FOR FURTHER INFORMATION CONTACT."**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Kent County Department of Aeronautics.

Issued in Des Plains, Illinois, on June 2, 1992.

W. Robert Billingsley,  
Manager, Airports Division Great Lakes Region.

[FR Doc. 92-13735 Filed 6-10-92; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

[FHWA Docket No. 91-12]

### Metric Conversion Policy

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notification of FHWA metric conversion policy and plan.

**SUMMARY:** The FHWA has initiated a phased five year plan to convert its activities and business operations to the metric system of weights and measures, as required by the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418, 102 Stat. 1107, 1451). Section 3 of this Act sets a deadline date of September 30, 1992, when each Federal Government agency must begin using the International System of Units (SI) in procurements, grants, and other business-related activities, except to the extent that such use is impractical or would likely cause significant inefficiencies or loss of markets to United States firms. This document includes a summary and discussion of the comments received from all sources

in response to the April 5, 1991, notice of proposed metric conversion policy, a statement of the FHWA's metric conversion policy, and a summary of the approved FHWA metric conversion plan.

### FOR FURTHER INFORMATION CONTACT:

Mr. David R. Geiger, Chief, Contract Administration Branch, Office of Engineering, (202) 366-0355, or Mr. Wilbert Baccus, Office of Chief Counsel, (202) 366-0780, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except legal holidays.

### SUPPLEMENTARY INFORMATION:

The President's Executive Order No. 12770, signed July 25, 1991, and published in the *Federal Register* on July 29, 1991 (56 FR 35801), requires all Federal agencies to formulate metric transition plans. The FHWA's metric transition plan, titled *FHWA Metric Conversion Plan*, was approved by the Secretary of Transportation on October 31, 1991. In advance of completing its plan, the FHWA published a notice of proposed metric conversion policy in the *Federal Register* on April 5, 1991 (56 FR 14145). Comments on the proposed policy were solicited (Docket No. 91-12) from State/local governments, the highway industry, and the general public. The comment period closed on May 20, 1991.

### Discussion of Docket Comments

#### General

A total of 65 responses were received from 55 commenters, including private individuals, business firms, professional associations, national trade associations, local and State highway agencies, and other governmental agencies. The majority of responders (33) were State highway agencies (SHA's). Overall, of those providing comments, 35 percent expressed some reservations about the proposed FHWA metric conversion policy and indicated there were specific areas of concern that they thought were in need of special attention during any future conversion efforts. Eighteen percent of the responses were strongly supportive, and 47 percent indicated strong opposition to converting to the metric system of measurement.

The following is a discussion of the comments submitted to Docket No. 91-12 arranged by topics of main concern as identified and expressed by the commenters. Also included are FHWA observations and general responses to the comments.

### Exceptions to Conversion

Nearly all of the commenters opposed to metric conversion took issue with the FHWA's position against proposing exceptions to conversion for any of its programs. They felt that the U.S. highway construction industry should be excluded in whole or at least in part from having to convert to the metric system of measurement, mainly because such a conversion policy would be impractical or likely to cause significant inefficiencies throughout the highway industries. One SHA felt that, as a minimum, there should be an exclusion for those types of measurements which affect the general public, including acres, miles, and possibly tons and cubic yards. Another SHA suggested that the FHWA reconsider its exception policy with regard to highway signing. Several SHA's and industry commenters expressed the position that the highway program is totally domestic and questioned whether designing and constructing highway projects in metric will increase the United States' international competitiveness.

A number of positive comments were also received. A national trade association supported the FHWA's position of no exceptions. It noted that excluding programs from metric usage would weaken the conversion efforts and result in a heterogeneous system. Also, a local government respondent expressed its position that the short-term impacts would be greatly outweighed by bringing the nation into line with the world market. It believed that metric conversion will prove to be an economic benefit to the nation. Further, it felt the obvious benefits of the conversion could not be overstated; the efforts are worthwhile, and conversion should be strongly supported by the political, academic and scientific communities. Several SHA's also provided supportive comments. One observed that the metric system is a viable, worldwide system of measurement and conversion may, in fact, improve the United States' ability to compete in the world market place. It also noted, however, that conversion for transportation-related items will be costly. Finally, included in one SHA's comments was the observation that the conversion to metric from English units would have only a moderate impact in the area of pavement design; if implementation takes advantage of the simplicity of the metric system, computations that are time-consuming in English units would be performed quickly in metric units. Last, it was noted that the metric system of units

could be much easier to deal with, and would result in more efficiency for that SHA department.

The FHWA recognizes that there may be some short-term loss of efficiency due to unfamiliarity with the metric system. We do not, however, believe, based on the information presented, that loss of efficiencies will be long term, significant, or will compromise public safety. On the contrary, based on reports from Canada, which converted to metric in the early 1980's, metric conversion has proven to be much less difficult than had been anticipated.

Some mitigating factors which should offset loss of efficiency in the conversion of the Federal-aid highway program include: (1) Engineers have had first hand experience using metric measurements in college; (2) all other Federally funded programs will be going metric and the general public will be fully exposed to the use of metric in many aspects of daily life; and (3) highway construction is, for the most part, work built in-place and as such should pose minimal problems for metric conversion, as essentially everything is custom built. Therefore, based on information currently available, the FHWA does not believe that an exception to metric conversion is at present warranted for any of its programs.

#### *Implementation Schedule*

Approximately 50 percent of the commenters to the docket offered comments relating to the FHWA's proposed metric transition timetable. Of these, approximately one-half felt that the timetable was inadequate or unreasonable. Examples of comments received include, "[T]here is no timetable that would be to our advantage in regards to converting to the Metric System." Also, "If metrication is inevitable or to be forced on us by government, why not pick a distant date, let's say the year 2025, so that kids born this year can be taught from kindergarten on to use the metric system. Let America's public and industries adjust more gradually." Several SHA's commented that it would be to the advantage of the industry to extend changeover to metric from the FHWA proposed 5-year period (1991-1996) to an 8- to 10-year period. They felt that such an extension would permit contractors and testing facilities to make adjustments, as well as SHA's to convert signing, manuals, right-of-way documents, computer programs, and conduct training.

On the other hand, approximately 20 percent of the commenters indicated that the FHWA's proposed timetable for

conversion was reasonable and allowed sufficient time for an orderly conversion to the metric system. One SHA did not object to the timetable but felt that sufficient time for education and the development of State and local implementation plans must be assured.

A number of commenters noted concerns they had with a phased-in transition period. Several expressed reservations about using for a period of time dual English/metric units. One expressed a position that at no time should duplicate measurements be stipulated, while another noted that any duplication of data in English/metric units should be minimized. It was suggested that the FHWA allow an adequate length of time for conversion of documents, inventories, specifications, etc., to the metric system and that a specific date in the future should be established when all design documents would be required to include metric measurements. In the interim, use of dual systems of measurements should be at the discretion of the States rather than mandated by the FHWA. Several commenters expressed concern about the handling of projects in the development stage during such a transition period. One suggested the need to exclude projects under design that may not go to contract until after September 30, 1996. Another felt that construction projects that have currently authorized preliminary engineering budgets should be exempted from metric measurements.

After due consideration of the comments received on the proposed 5-year metric conversion timetable, it is the FHWA's belief that the timetable is reasonable and achievable. Further, in response to those commenters who support a much longer phase-in conversion period, it is the FHWA's position that neither the law implementing Department of Commerce (DOC) regulation nor the Executive Order permit a longer timeframe for full implementation of metric conversion than that proposed in the FHWA's implementation schedule. In response to the concerns regarding the use of dual English/metric measurements during the transition period, the FHWA will not mandate such an approach, preferring instead to permit the SHA's to use dual measurements if they believe it appropriate. After fiscal year 1993, the FHWA plans as a general policy to discontinue its use of dual English and metric measurements. Presently, it is the FHWA's intent that all Federal and Federal-aid construction contracts advertised for bids after September 30, 1996, will contain only metric measurements. The FHWA believes,

based on its knowledge of the Federal-aid highway program and information provided, that the establishment of this ultimate implementation date, almost 5 years hence, will allow SHA's and others committed to conversion sufficient time to adopt necessary metric standards and develop metric-only project plans, specifications and proposals.

The FHWA metric transition timetable categories I, II, III and IV address actions and target dates established for the FHWA. Only the category V target date will have equal meaning for all parties involved in the Federal lands and Federal-aid highway programs. Therefore, each recipient of the Federal lands and Federal-aid highway programs, with the assistance and cooperation of the FHWA, will undertake the actual development of an implementation plan.

#### *Metric Conversion Costs*

Over one-third of the commenters expressed serious concerns about the costs of conversion to metric measurement. These commenters, however, provided very little documented data regarding specific cost impacts. One SHA, from a State with a slightly smaller than average-size highway program, did offer that based on preliminary estimates, its total direct highway department costs of conversion would be almost \$9 million. Another SHA, with an average-size highway program, estimated that converting signs to the metric system would cost from \$1 to \$4 million.

In 1974, an AASHTO ad hoc metrication task force documented a rough estimate of the nationwide cost of metrication to Federal, State and local highway agencies at \$200,000,000. Further, the task force report predicted that signing changes, estimated at about 30 percent of total conversion costs, would constitute the major portion of the capital cost of metric conversion. The task force also identified the following as significant metric conversion costs: creating and converting existing computer programs (estimated at 25 percent of total cost); training (at 10 percent); and the revising and reprinting of manuals, specifications, standard plans and similar material (at 10 percent).

In an attempt to get a more definitive handle on what actual conversion costs could be in the 1990s, AASHTO's current metrication task force has requested that the Transportation Research Board undertake a study of the financial impact of metric conversion on SHA's and the highway industry. The

financial study is one element of a larger effort being conducted under NCHRP Project 20-7, Task 54, that is intended to identify specific activities required for accomplishing metric conversion at a minimum cost and inconvenience to present practices. Relevant information developed by the study may be used to guide the FHWA's metric conversion activities. The FHWA anticipates the study will be completed by January 1993, at which time copies will be available from AASHTO.

Many of those commenting on the costs of metric conversion recommended that special Federal funding be established to reimburse States for costs associated with conversion. Several commenters noted that in 1978 Congress prohibited the use of Federal-aid funds for highway signs solely using the metric system of measurement. Although the Congress has not authorized the FHWA, or any other Federal agency, special funding to provide reimbursement for costs associated with metric conversion, section 1053 of the Intermodal Surface Transportation Efficiency Act of 1991 repealed section 144 of the Federal-aid Highway Act of 1978 [Pub. L. 95-599, 92 Stat. 2713]. Therefore, the FHWA may now reimburse States, at the appropriate pro-rata share, for costs they incur in changing highway signs to reflect metric units under existing Federal-aid categorical programs. As noted earlier, converting signs to metric is anticipated to be one of the most costly conversion efforts. This legislative change means that Federal-aid funds can now participate in a significant portion of the metric conversion cost. It will be the FHWA's policy to authorize the use of Federal-aid funds to reimburse States for costs they incur in the metric conversion process to the maximum extent allowable under Federal law.

#### FHWA Metric Conversion Policy and Plan

##### General Policy

It is the FHWA's policy to pursue and promote an orderly changeover to the metric system for all of its programs in accordance with the statutory requirements, Executive Order, DOC policy guidance, and DOT guidance. Metric conversion of the FHWA's direct procurement operations will be governed by the Federal Acquisition Regulations issued by the General Services Administration (GSA), as well as other applicable GSA and DOT regulations and policies.

To assure an orderly transition to the metric system, the FHWA has developed pursuant to Executive Order

No. 12770 and DOT Order 1020.1C, dated May 8, 1990, a Metric Conversion Plan (MCP).

##### Definitions

*Metric System* means the International System of Units (SI) established by the General Conference of Weights and Measures in 1960, as interpreted or modified from time to time for the United States by the Secretary of Commerce under the authority of the Metric Conversion Act of 1975 and the Metric Education Act of 1978 (Sec. 311(a) of Pub. L. 95-561, 92 Stat. 2211).

*Other business-related activities* means measurement-sensitive commercial or business directed transactions or programs, i.e., standard or specification development, procedure or practice requirements of an agency.

*Measurement-sensitive* means the choice of a measurement unit is a critical component of the activity, i.e., an agency rule/regulation to collect samples or measure something at specific distances or to specific depths, specifications, require certain volumes or flow rates for the intake or discharge of a product, or to act as guidelines for clearances between objects for safety, security or environmental purposes, etc.

##### Metric Conversion Plan

The main objective of the FHWA's MCP is to provide for an orderly transition by the FHWA to the metric system in its procurements, grants and other business related activities, at the least cost and with the least disruption to government agencies, industries affected, and the traveling public.

The FHWA MCP, pursuant to DOT Order 1020.1C, proposes a phased plan of action developed to contribute to the Department of Transportation's plan to assure an orderly transition to the metric system of measurement to the extent practical in accordance with Section 5164 of Pub. L. 100-418. The FHWA MCP aggregates individual Metric Work Plans (MWP's) developed by the FHWA Washington Headquarters Offices for the program elements/activities for which they have responsibility. The MCP, in total, covers all major functional areas and programs for which the FHWA has responsibility. The MCP requires that the transition of program elements/activities to metric will accommodate to the extent practicable:

(1) Suitable lead time for those actions that are dependent upon input from other activities or whose output will influence activities in other areas;

(2) An appropriate degree of flexibility to permit adjustments to be made, due

to the interdependence of many FHWA activities with internal and external organizations and industries;

(3) Development of implementation timetables in cooperation with the highway organizations and industries involved;

(4) An effective public awareness program prior to implementation, particularly when high impact or visibility changes are to be made; and

(5) A gradual but not prolonged changeover to the metric system, in a manner that would be least costly and disruptive to Government agencies, industries affected, and to the traveling public.

##### Conversion Program Guidelines

The following guidelines have been established for the uniform management of the individual MWP's of the various FHWA Washington Headquarters program offices, and to provide a basic framework for the consolidation and coordination of the individual MWP's in the FHWA MCP. Program offices will:

(1) Review individual MWP's at least every 6 months, or when significant events occur that may affect the MWP's, and revise as necessary. The FHWA Metric Coordinator will annually review and update the MCP as appropriate;

(2) Integrate metric conversion elements/activities into regular program operations within the existing organizational structure and through normal channels and working relationships;

(3) Assign staff and resources as needed to assure that all aspects of metric conversion are carried out in a cooperative, timely and effective manner;

(4) Convert historic records and data to metric units only when necessary for ongoing operations and future projections;

(5) Develop metric consensus standards, guidelines, and schedules through active participation and cooperation with other organizations in government and industry;

(6) Use the American Society of Testing and Materials' (ASTM's) "Standard Practice for Use of the International System of Units (SI) (the Modernized Metric System), E380-89a" as the authoritative reference for application of SI units of measurement, with "er" the preferred spelling of meter and liter;

(7) Undertake "hard" metric conversions when appropriate and to the extent practicable;

(8) Avoid the dual use of English and metric measurements beyond fiscal year 1993, unless it is determined in specific

instances that such usage will be beneficial;

(9) Develop, after fiscal year 1992, all new or revised FHWA technical publications standards and specifications in metric units; and

(10) Each FHWA region and division office will designate an individual to cooperate with and assist State and local governments in their overall metric conversion process, and keep them informed of the FHWA's ongoing metric activities.

#### Sequence of Events

The normal sequence of events for converting FHWA programs to the metric system will include a planning, coordination, and preparation phase, to attain a state of readiness prior to actual implementation for each program element/activity. Even though uncertainties exist regarding the specific dates of availability of metric consensus standards, guidelines, products, and services provided by others involved in activities that affect the FHWA's diverse operations, an effort has been made to set definite milestone target dates in the FHWA MCP for the completion of implementation phases for all relevant FHWA program elements/activities.

The table set forth below provides transition target dates for major program elements/activities. In developing the target dates, the FHWA has attempted to be sensitive to all parties affected by the planned actions, recognizing that various industries and sectors of the economy may differ in the timing of their transition efforts toward use of metric measurements.

#### METRIC TRANSITION TIMETABLE

Program Elements/Activities	Target Dates (Completed)
I. FHWA metric conversion plan.	(Approved 10/31/91).
II. Initiate revision of pertinent laws and regulations that serve as barriers to metric conversion.	(1991).
III. Full metric conversion of FHWA manuals, documents, and publications.	1994.
IV. Full metric conversion of FHWA data collection and reporting.	1995.
V. Newly authorized Federal Lands Highway and Federal-aid construction contracts in metric units only.	September 30, 1996.

A copy of the FHWA MCP may be obtained upon written request to the FHWA Contract Administration Branch, HNG-22, room 3203, 400 Seventh Street SW., Washington, DC, 20590 or by calling (202) 366-0355.

(Sec. 5164, Pub. L. 100-418, 102 Stat. 1107, 1451 (codified at 15 U.S.C. 205a); Pub. L. 94-168, 89 Stat. 1007; Sec. 311(a), Pub. L. 95-561, 92 Stat. 2211; 23 U.S.C. 315; 49 CFR 1.48)

Issued on: June 3, 1992.

T.D. Larson,  
Administrator.

[FR Doc. 92-13716 Filed 6-10-92; 8:45 am]  
BILLING CODE 4910-22-M

#### Maritime Administration

[Docket S-891]

#### American President Lines, Ltd.; Notice of Application for Amendment of Existing Waiver

American President Lines, Ltd. (APL), by application dated May 28, 1992, requests a change in an existing waiver of the provisions of section 804(a) of the Merchant Marine Act, 1936, as amended, for foreign-flag operations of APL, under Operating-Differential Subsidy Agreement, Contract MA/MSB-417.

APL has authority, under a previous section 804 waiver, to operate one foreign-flag vessel of up to 350 FEU capacity between Colombo or Fujayrah and ports in the Red Sea, including Aqaba. APL requests a change to increase the authorized capacity of the vessel from 350 FEU to 500 FEU.

The request is occasioned by APL's inability to maintain a fortnightly frequency with this service when it calls Aqaba. Aqaba, of course, is at the northern most point of the Red Sea. APL claims that ships in the 350 range do not have adequate speed to serve the northern portion of the Red Sea from Fujayrah and maintain a regular, fortnightly service. Larger ships do have adequate speed to accomplish such a frequency. APL has been serving Aqaba by the use of foreign-flag, common carriers. However, APL believes that the volume of cargo—which has grown markedly since the Kuwait war—justifies a direct call by APL. Moreover, the rates charged by foreign-flag, common carriers serving Aqaba are extremely high. APL can achieve material savings by using its own feeder to provide the service.

APL's application for a section 804 waiver to serve Aqaba and the balance of the Red Sea (excluding Egypt and

Ethiopia) was the subject of public notice and favorable Maritime Administration action in (Docket S-881) within the past nine months. APL concludes that the purpose and result of its current request is simply to permit it to make effective use of the authority recently granted in that docket.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5 p.m. on June 24, 1992. This notice is published as a matter of discretion and publication should in no way be considered a favorable or unfavorable decision on the application, as filed or as may be amended. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate. (Catalog of Federal Domestic Assistance Program No. 20.804 (Operating-Differential Subsidies))

By Order of the Maritime Administrator.

Dated: June 4, 1992.

James E. Saari,  
Secretary, Maritime Administration.

[FR Doc. 92-13718 Filed 6-10-92; 8:45 am]  
BILLING CODE 4910-81-M

[Docket P-006]

#### Decision of the Maritime Administrator Under Section 804 of the Merchant Marine Act of 1936 Directing Lykes Bros. Steamship Co., Inc. Not To Serve Cartagena, Colombia

On April 3, 1992, the Secretary of Transportation took review of the decision of the Maritime Administrator that Lykes Bros. Steamship Co., Inc. (Lykes), a subsidized U.S.-flag carrier, not serve Cartagena, Colombia with foreign-flag vessels unless permission was obtained under section 804 of the Merchant Marine Act of 1936, because of alleged competing U.S.-flag service by another carrier, Crowley Maritime Corporation. The Secretary also provided sixty days, until June 2, 1992, for interested persons to submit comments on the issues raised by the

review. On May 29, 1992 the major subsidized U.S.-flag liner operator, American President Lines, Ltd. (APL), and the major nonsubsidized U.S.-flag liner operator, Sea-Land Service, Inc. (Sea-Land), jointly petitioned for a 30-day extension of that comment deadline in order for them to exchange their views on the issues before submitting them.

Notice is hereby given that by order dated June 4, 1992, the Secretary of Transportation ordered that:

1. The deadline for submitting comments to this Docket is extended until July 1, 1992.
2. This Order shall be served by the Secretary of Maritime Administration upon all parties of record in this Docket and Docket No. S-873, and noticed in the Federal Register.

Dated: June 4, 1992.

By Order of the Secretary of Transportation.

James E. Saari,  
Secretary, Maritime Administration.

[FR Doc. 92-13717 Filed 6-10-92; 8:45 am]

BILLING CODE 4810-81-M

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### Senior Executive Service; Financial Management Service Performance Review Board (PRB)

**AGENCY:** Treasury Department; Fiscal Service; Financial Management Service.

**ACTION:** Notice of members of the FMS PRB.

**SUMMARY:** Pursuant to 5 U.S.C. (c)(4), this Notice announces the appointment of members to the Financial Management Service (FMS) Performance Review Board (PRB). This Board reviews the performance appraisals of career senior executives below the Assistant Commissioner level and makes recommendations regarding ratings, bonuses, and other personnel actions. Three voting members constitute a quorum. The names and titles of the FMS PRB members are as follows:

### Primary Members

Michael T. Smokovich, Deputy Commissioner; Bland T. Brockenborough, Assistant Commissioner, Management; Diane E. Clark, Assistant Commissioner, Financial Information; Michael D. Serlin, Assistant Commissioner, Agency Services.

### Alternate Members

Larry D. Stout, Assistant Commissioner, Federal Finance; Mitchell A. Levine, Assistant Commissioner, Regional Operations; Ronald A. Nervitt, Assistant Commissioner, Information Resources.

**DATES:** Membership is effective on the date of this notice.

### FOR FURTHER INFORMATION CONTACT:

Michael T. Smokovich, Deputy Commissioner, Financial Management Service, 401 14th Street, Washington, DC 20227; telephone (202) 874-7000.

Michael T. Smokovich,  
Acting Commissioner

[FR Doc. 92-13766 Filed 6-10-92; 8:45pm]

BILLING CODE 4810-35-M

# Corrections

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Applications for Duty-Free Entry of Scientific Instruments

##### Correction

In notice document 92-11837 beginning on page 21394 in the issue of Wednesday, May 20, 1992, make the following correction:

On page 21395, in the third column, in the 12th line "<sup>14</sup>" should read "<sup>14</sup>N<sub>2</sub>".

BILLING CODE 1505-01-D

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Pursuant to the National Cooperative Research Act of 1984; Gas Utilization Research Forum

##### Correction

In notice document 92-10080 appearing on page 18528 in the issue of

Thursday, April 30, 1992, in the first column, the last line at the bottom should read "6(a) of the Act. The Department of Justice published notices in the Federal".

BILLING CODE 1505-01-D

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

##### Correction

In notice document 92-12573 beginning on page 22842, in the issue of Friday, May 29, 1992, make the following correction:

1. On page 22843, in the first column, under **Summary of Proposal(s)**, the fourth line should read "(3) OMB Number: 3220-0072."

BILLING CODE 1505-01-D

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 1 and 602

[T.D. 8416]

RIN 1545-AK20

#### Minimum Tax—Tax Benefit Rule

##### Correction

In rule document 92-10257 beginning on page 19253 in the issue of Tuesday,

## Federal Register

Vol. 57, No. 113

Thursday, June 11, 1992

May 5, 1992, make the following corrections:

1. On page 19254, in the second column, under **Public Comments**, in the first paragraph, in the last line, before "58(h)" insert "section".

#### § 1.58-9 [Corrected]

2. On page 19257, in § 1.58-9(c)(3)(iii)(A)(3)(iii), in the table, in the first column, delete "Do" each time it appears and insert ellipses.

3. On page 19260:

- In § 1.58-9(d), in the first column, in *Example 1(ii)11*, in the table, in the first column, delete "Do" and insert ellipses.
- In the second column, in § 1.58-9(d), in *Example 1(ii)17*, delete "(d) Under this method....494)" the first five lines.

- In the 3d column, in § 1.58-9(d), in *Example 2(ii)11*, in the 11th line, "beginning a" should read "beginning at".
- On page 19261, in the first column, in § 1.58-9(e)(2)(i), in the fourth line, "arose." should read "arose;".

BILLING CODE 1505-01-D

Thursday  
June 11, 1992

## Part II

# Department of Health and Human Services

Administration for Children and Families

**Fiscal Year 1992 Coordinated Discretionary Funds Program; Availability of Funds and Request for Applications; and Request for Public Comment on the Proposed Developmental Disabilities Priorities for Projects of National Significance for Fiscal Year 1993; Notice**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families****Fiscal Year 1992 Coordinated Discretionary Funds Program; Availability of Funds and Request for Applications; and Request for Public Comment on the Proposed Developmental Disabilities Priorities for Projects of National Significance for Fiscal Year 1993**

**AGENCY:** Administration for Children and Families, HHS.

**ACTION:** Announcement of availability of funds and request for applications under the Administration for Children and Families' Coordinated Discretionary Funds Program.

**SUMMARY:** The Administration for Children and Families (ACF) announces its Coordinated Discretionary Funds Program (CDP) for Fiscal Year 1992. Funding for ACF grants and cooperative agreements under this announcement is authorized by legislation governing discretionary programs of the following ACF components: Administration on Children, Youth and Families; Administration for Native Americans; Office of Community Services; and the Office of Policy and Evaluation. This announcement contains forms and instructions for submitting an application.

Unlike previous years, the Administration on Developmental Disabilities will not be funding applications under this announcement. Instead, it is requesting comments on its proposed priorities for Projects of National Significance for fiscal year 1993.

**DATES:** The closing date for submittal of applications under this announcement is August 10, 1992.

**ADDRESSES:** Application receipt point: Department of Health and Human Services, ACF/Division of Discretionary Grants, 330 C Street SW., Room 1209-B, Washington, DC 20201-0001, Attn: ACF-92-1.

**FOR FURTHER INFORMATION CONTACT:** Administration for Children and Families, 330 C Street, SW., room 1209-B, Washington, DC 20201-0001. Telephone (202) 755-4560 or (202) 205-9860. To provide 24-hour coverage, calls to this number will be answered by an answering machine.

**SUPPLEMENTARY INFORMATION:** This program announcement consists of four parts. Part I provides information on the establishment of ACF, and the ACF programs and statutory funding

authorities applicable to this announcement; general information on the CDP; and where a "sample application" for prospective applicants may be obtained.

Part II describes the Administration on Developmental Disabilities priorities for FY 1993 projects of National Significance, published for public comment.

Part III describes the review process and the programmatic priorities under which applications are being solicited. Part IV provides information and instructions for the development and submission of applications.

The forms to be used for submitting an application follow Part IV. Please copy and use these forms in submitting an application under this announcement. No additional application materials are available or needed to submit an application.

Applicants should note that grants and cooperative agreements to be awarded under this program announcement are subject to the availability of funds.

**Part I—Introduction***A. Establishment of the Administration for Children and Families*

Effective on April 15, 1991, Louis W. Sullivan, M.D., Secretary of the Department of Health and Human Services (HHS), established the Administration for Children and Families as a new HHS operating division, combining the Family Support Administration and the Office of Human Development Services.

The purpose of this consolidation is to bring together in a single agency many child and family programs which have been created over the years in order to better target and coordinate services. It will increase the Department's ability to deliver services and will provide States, communities, and the Congress a single agency concerning children's programs and policies. This reorganization will also facilitate integration of services for children and their families by States and communities.

Among the Programs administered by ACF are Head Start, Job Opportunities and Basic Skills (JOBS), Aid to Families with Dependent Children, Child Support Enforcement, Adoption Assistance, Foster Care, Social Services Block Grant, Child Care and Development Block Grant, Child Abuse, and Runaway and Homeless Youth programs.

*B. Principles and Goals of the Administration for Children and Families*

While ACF program and staff offices are varied in the programs that they administer and the populations that they target, they are all guided by the same three common principles. First, all programs strive to create and stimulate self-sufficiency in their target populations. Second, these programs promote parents' responsibility for their children financially as well as for their social, emotional, physical and cognitive development. Third, all programs encourage the integration of services among specialized service providers to eliminate fragmentation, reduce duplication and improve the impact of ACF services on children and families.

As an agency, ACF has established the following three strategic planning goals:

- To expand coordination among ACF programs to ensure holistic treatment of families and children so that those served establish or maintain self-sufficiency;
- To establish or strengthen the Federal leadership role of ACF programs; and
- To improve the efficiency and effectiveness of individual ACF programs at the Federal, State and local levels.

For the past ten years, the Coordinated Discretionary Funds Program (CDP) has been a primary vehicle for articulating the agency's principles and goals. The CDP has been used to translate these principles and goals into research, demonstration and training activities which further ACF's legislative missions.

*C. The Administration for Children and Families' Program and Staff Offices*

Below is a brief description of ACF organizational components and the programs under which funding is available.

**Administration on Children, Youth and Families**

The Administration on Children, Youth and Families (ACYF) serves as the focal point within the Federal government for programs, activities, and initiatives designed to improve the quality of life for children, youth and families. ACYF administers the following major programs which relate to discretionary grants made under this announcement:

- *Head Start* provides comprehensive educational, health, nutritional, social and other services primarily to low-income preschool children, age three to

the age of compulsory school attendance, and their families. An essential feature of every Head Start program is the involvement of parents, both in the development of their children and in the direction of the program at the local level.

• *Child Welfare Research and Demonstration* provides financial support to State and local governments or other nonprofit institutions, agencies, and organizations engaged in research or demonstrations in the field of child welfare.

Research and demonstrations supported under this program address preventive intervention, the development of alternative placements for children such as foster care or adoption, and reunification services so that children can return home if at all possible.

• *Child Welfare Training* provides discretionary grants to accredited public or other nonprofit institutions of higher learning to develop and improve educational and training programs to assist child welfare agencies to upgrade skills and qualifications of staff.

• *Adoption Opportunities* provides financial support for demonstration projects to improve adoption practices, to eliminate barriers to adoption and to find permanent homes for children, particularly children with special needs.

• *Child Abuse and Neglect* discretionary activities are designed to assist and enhance national, State, and community efforts to prevent, identify, and treat child abuse and neglect. These activities include conducting research and demonstrations; supporting service improvement projects; gathering, analyzing and disseminating information through a national clearinghouse; and coordinating Federal activities related to child abuse and neglect.

#### Administration for Native Americans

The Administration for Native Americans (ANA) promotes the goal of social and economic self-sufficiency for American Indians, Native Hawaiians, Native Alaskans and Native American Pacific Islanders. ANA defines self-sufficiency as the level of development at which a Native American community can control and internally generate resources to provide for the needs of its members and meet its own short and long-range social and economic goals.

#### Office of Community Services

The Office of Community Services is responsible for administering a variety of discretionary grant programs that foster family stability, economic security, responsibility and self-support.

promote and provide services to homeless and low-income individuals, and develop new and innovative approaches to reduce welfare dependency. In addition, it administers the following grant program under this announcement:

• *The Family Violence Prevention and Services Act* provides grants to States and Indian Tribes to prevent family violence and provide immediate shelter and related assistance to victims of family violence and their dependents. Demonstration grants also support efforts to prevent family violence by providing training and technical assistance to States and Indian Tribes.

#### Office of Policy and Evaluation

The Office of Policy and Evaluation is a staff office in ACF which administers the following discretionary grant program under this announcement:

• *Social Services Research and Demonstration* grants and cooperative agreements are awarded for innovative research and demonstration projects that are responsive to the ACF program priorities. This program promotes the demonstration of effective and innovative social services for dependent and vulnerable populations such as the poor, the aged, children and youth, Native Americans and the disabled.

#### Administration on Developmental Disabilities

The Administration on Developmental Disabilities is the principal agency in the Federal government which ensures that all persons with developmental disabilities can receive the services and other assistance and opportunities necessary to enable them to achieve their maximum potential through increased independence, productivity, and integration into the community. Under the Projects of National Significance grant program for Fiscal Year 1993, support is provided to public and private non-profit organizations and agencies for research and demonstration, technical assistance and data collection.

#### D. Statutory Authorities Covering This Announcement

The following is a list of the priority areas included in this announcement and the statutory authorities which relate to these priority areas:

Priority areas	Related program and statutory authority
1.13, 1.14, 1.15, 1.16, 1.17, 1.18, 1.19.	Adoption Opportunities: Title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, as amended (42 U.S.C. 5113 et seq.); Child Abuse and Neglect: Child Abuse Prevention and Treatment Act, as amended (42 U.S.C. 5101 et seq.); Child Welfare Research and Demonstration: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Child Welfare Training Grants: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended (42 U.S.C. 10401 et seq.); Head Start: Head Start Act, as amended (42 U.S.C. 9801 et seq.); Native Americans Programs: Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.); Social Services Research and Demonstration: Section 1110 of the Social Security Act, as amended (42 U.S.C. 1310).
1.22, 1.23, 1.24, 1.25, 1.26, 1.27, 1.28, 1.29.	Child Welfare Research and Demonstration: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Child Welfare Training Grants: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended (42 U.S.C. 10401 et seq.); Head Start: Head Start Act, as amended (42 U.S.C. 9801 et seq.); Native Americans Programs: Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.); Social Services Research and Demonstration: Section 1110 of the Social Security Act, as amended (42 U.S.C. 1310).
1.11, 1.12, 1.20, 1.21, 1.09, 1.10.	Child Welfare Research and Demonstration: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Child Welfare Training Grants: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended (42 U.S.C. 10401 et seq.); Head Start: Head Start Act, as amended (42 U.S.C. 9801 et seq.); Native Americans Programs: Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.); Social Services Research and Demonstration: Section 1110 of the Social Security Act, as amended (42 U.S.C. 1310).
3.01	Child Welfare Research and Demonstration: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Child Welfare Training Grants: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended (42 U.S.C. 10401 et seq.); Head Start: Head Start Act, as amended (42 U.S.C. 9801 et seq.); Native Americans Programs: Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.); Social Services Research and Demonstration: Section 1110 of the Social Security Act, as amended (42 U.S.C. 1310).
1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08. 2.01, 2.02, 2.03.	Child Welfare Research and Demonstration: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Child Welfare Training Grants: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended (42 U.S.C. 10401 et seq.); Head Start: Head Start Act, as amended (42 U.S.C. 9801 et seq.); Native Americans Programs: Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.); Social Services Research and Demonstration: Section 1110 of the Social Security Act, as amended (42 U.S.C. 1310).
4.01, 4.02, 4.03, 4.04.	Child Welfare Research and Demonstration: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Child Welfare Training Grants: Section 426 of the Social Security Act, as amended (42 U.S.C. 626); Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended (42 U.S.C. 10401 et seq.); Head Start: Head Start Act, as amended (42 U.S.C. 9801 et seq.); Native Americans Programs: Native American Programs Act of 1974, as amended (42 U.S.C. 2991 et seq.); Social Services Research and Demonstration: Section 1110 of the Social Security Act, as amended (42 U.S.C. 1310).

#### E. Principles of the Coordinated Discretionary Funds Program

For the past ten years, ACF (formerly, the Office of Human Development Services) has issued a Coordinated Discretionary Funds Program announcement combining the research, demonstration and training initiatives for several ACF programs. The priority areas identified in this announcement derive from ACF's legislative mandates as well as agency and Departmental goals and initiatives. The priorities reflect the state of current knowledge as well as emerging issues which come to ACF's attention by several means, including public comment and consultation with advocates, policymakers, and practitioners in the field. The priorities seek to focus attention on and to encourage research and demonstration efforts to obtain new knowledge and improvements in service delivery for the solution of particular social problems and to promote the dissemination and utilization of the knowledge and model practices developed under these priorities.

The principles which underlie ACF research and demonstration program include the following:

• *Human service needs are best defined and addressed through*

*institutions and organizations at the local community level.* Public agencies, private and voluntary organizations, the business sector, community institutions, families and clients must all share in finding solutions to protect the vulnerable and to reduce dependence on public programs.

• *Social problems are complex.* Better use should be made of existing knowledge, resources and services. Differing perspectives of specialists and practitioners offer the promise of better and more timely solutions and service delivery. Interagency coordination can help to avoid duplication and fragmentation of services, maximize utilization of existing resources and promote joint solutions to benefit clients.

• *Administrators and service providers at all levels must be accountable for investment of resources, programs and services under their direction.* Knowledge of one's own and others' prior efforts and experience needs to be applied to maximize the benefits of new and ongoing resource investments. Objectives and measures of progress must be clear. Monitoring, evaluation and information feedback are necessary to modify practice, improve program performance, assure greater accountability and achieve better outcomes.

• *Both applied research and demonstration efforts are needed to solve emerging social issues.* Research is needed to help in understanding social phenomena and emerging issues and to measure the results of past and ongoing efforts. Demonstrations are needed to put existing knowledge into practice and to develop and test new models. Translation of research into practice is essential to progress; experience in practice is essential to guide research. More rigorously structured research and demonstration studies promise more definitive answers to policy and programmatic questions.

• *Dissemination and utilization of the results and findings of research and demonstration projects are essential to progress.* The benefits of investments made in research and demonstration efforts depend on the application of findings, experience, and products in both policy and practice. Well-reasoned and thoughtful reports of experiences, both positive and negative, help to inform policymakers, researchers, professionals, and practitioners. Well-articulated negative experience can help others to avoid similar pitfalls; positive accounts help to avoid unnecessary repetition, allow for implementation of tested approaches or replication for

further validation, and permit others to build on successes.

• *Projects typically have multiple audiences which can benefit from their results.* The type of information needed by various audiences can best be utilized if it is tailored to their needs or expressed in language familiar to them. Audiences which can benefit from project results need to be identified at the outset of the project. When feasible, it is useful to engage such audiences in a dialogue early in the project. Their perspectives can be useful in shaping the project to yield the information which will be most helpful to them, and to encourage their interest and support in the effort.

#### *F. Sample Application*

A *Sample Application* containing the narrative section of a funded application and related evaluative comments has been adapted by ACF to assist prospective applicants in developing better applications through an understanding of what ACF considers to be the essential attributes of a strong project narrative. A copy of this publication will be sent to you upon request by contacting the CDP information line at (202) 755-4560 or (202) 205-9860.

#### **Part II.—Fiscal Year 1993 Developmental Disabilities Proposed Priority Areas of National Significance— Public Comment**

Closing date for receipt of public comments is August 10, 1992.

#### *A. Goals of the Administration on Developmental Disabilities*

The Administration on Developmental Disabilities (ADD) is located within the Administration for Children and Families (ACF), Department of Health and Human Services (HHS), and is the lead agency responsible for planning and administering programs which promote self-sufficiency and protect the rights of persons with developmental disabilities. ADD's goals relate to increased familial and individual self-sufficiency, and improved services for those with developmental disabilities. Emphasis on these goals, and progress towards them, will help more persons with developmental disabilities to live productive and independent lives, integrated into their communities.

It is through the Projects of National Significance Program that ADD attempts to promote the achievement of these goals. In fiscal year 1993, ADD will support and encourage the dissemination and replication of project findings and models of successful innovations, and the transfer of

information and methods for successfully accessing services.

The Developmental Disabilities Assistance and Bill of Rights Act of 1990 (Pub. L. 101-496) (the Act) supports and provides assistance to States and public and private nonprofit agencies and organizations to assure that all persons with developmental disabilities receive the services, assistance and opportunities necessary to enable them to achieve their maximum potential through increased independence, productivity and integration into the community.

The Act emphasizes that persons with developmental disabilities include those with severe functional limitations attributable to physical impairments, mental impairments, and combinations of physical and mental impairments. It recognizes that, notwithstanding their severe disabilities, these persons have capabilities, competencies, and personal needs and preferences. Most importantly, the Act points out that a substantial portion of persons with developmental disabilities remain unserved or underserved.

The Act also stresses that the family and members of the community can play a central role in enhancing the lives of persons with developmental disabilities, especially when the family is provided with the necessary support services; that public and private employers tend to be unaware of the capability of persons with developmental disabilities to be engaged in competitive work in integrated settings; and that it is in the national interest to offer persons with developmental disabilities the opportunity to make decisions for themselves and to live in homes and communities where they can exercise their full rights and responsibilities as citizens.

In addition, in administering the Act at the Federal level, ADD seeks to enhance the role of the family in assisting persons with developmental disabilities to achieve their maximum potential (through self-advocacy and empowerment); in supporting the increasing ability of persons with developmental disabilities to perform leadership functions and determine changes of their choice; as well as in ensuring the protection of the legal and human rights of these individuals.

Programs funded under the Act are:

- Basic State formula grants;
- State systems for the protection and advocacy of individual rights;
- Grants to University Affiliated Programs for interdisciplinary training, exemplary services, technical

assistance, and information dissemination; and

- Grants for Projects of National Significance.

*B. Description of Projects of National Significance*

Under part E of the Act, grants and contracts are awarded for projects of national significance to increase and support the independence, productivity, and integration into the community of persons with developmental disabilities, and to support the development of national and State policy which enhances the independence, productivity, and integration of these individuals. These projects may include, but are not limited to:

- Projects to conduct data collection and analysis;
- Projects to provide technical assistance to program components;
- Projects to provide technical assistance for the development of information and referral systems;
- Projects to improve supportive living and quality of life opportunities which enhance recreation, leisure and fitness;
- Projects to educate policymakers;
- Projects to pursue Federal interagency initiatives;
- Projects that support the enhancement of minority participation in public and private sector initiatives in developmental disabilities; and
- Other projects of sufficient size and scope which hold promise of expanding or otherwise improving opportunities for persons with developmental disabilities (especially those who are multidisabled or disadvantaged, including minority groups such as Native Americans, Native Hawaiians, and other underserved groups).

In addition, funds may be awarded for technical assistance and demonstration projects (including research, training and evaluation in connection with such projects) which expand or improve the advocacy functions of the State Planning Councils, the functions performed by University Affiliated Programs and Satellite Centers, and the Protection and Advocacy System.

Section 162(c) of the Act requires that ADD publish annually in the *Federal Register* proposed priorities for grants and contracts to carry out Projects of National Significance. The Act also requires a period of 60 days for public comment concerning such proposed priorities. After analyzing and considering such comments, ADD must publish in the *Federal Register* final priorities for such grants and contracts, and solicit applications for funding based on the final priorities.

The following section presents the proposed priority areas for fiscal year 1993 Projects of National Significance. We welcome specific comments and suggestions as well as suggestions for additional priority areas.

*C. Fiscal Year 1993 Proposed Priority Areas for Projects of National Significance*

ADD is interested in all comments and recommendations concerning research, demonstration, evaluation, training or technical assistance projects which address areas of existing or evolving national significance related to the field of developmental disabilities.

We also solicit recommendations for project activities which will advocate for public policy change and community acceptance of all people with developmental disabilities and their families so that such persons receive the services, supports, and other assistance and opportunities necessary to achieve their maximum potential through increased independence, productivity, and integration into the community.

ADD is also interested in activities which promote the inclusion of all persons with developmental disabilities, including persons with the most severe disabilities, in community life; which promote the interdependent activity of all persons with developmental disabilities and people who are not disabled; and which recognize the contributions of these individuals (whether they have a disability or not) as such individuals share their talents at home, school, work and in recreation and leisure time.

In FY 1992, ADD is planning to award continuation funds for projects involved with self-advocacy and empowerment, youth leadership development, ongoing data collection, cultural diversity, and home ownership. ADD also proposes to award FY 1992 funds to provide technical assistance to improve the functions of the University Affiliated Program. Contracts were awarded in FY 1991 to provide technical assistance to the Developmental Disabilities Councils and Protection and Advocacy System and will not be recompeted in FY 1992.

ADD will focus the majority of its efforts in FY 1992 in the provision of technical assistance for the implementation of the ADD Commissioner's national initiative, "Leadership Through Collaboration." The purpose of this initiative is to create innovative, effective and goal-oriented collaboration among all network components of the Developmental Disabilities program.

ADD plans to conduct a Projects of National Significance funding

competition in the fall of 1992 based on the development of final priority areas resulting from the input received from this public comment notice and, pending the availability of funds, award new grants in the first quarter of FY 1993 (October-December, 1992).

ADD will not respond to individual comment letters. However, all comments will be considered in preparing the final funding solicitation announcement and will be acknowledged and addressed in that announcement.

No proposals, concept papers or other forms of application should be submitted at this time. Any such submission will be discarded.

Comments should be addressed to: Deborah L. McFadden, Commissioner, Administration on Developmental Disabilities, Department of Health and Human Services, room 349-F HHH Building, 200 Independence Avenue, SW., Washington, DC 20201.

*Proposed Fiscal Year 1993 Priority Area 1: Home of One's Own*

This proposed priority area is designed to fund a variety of projects and to disseminate information on innovative approaches that will result in persons with disabilities having control of their own residence through ownership or lease. ADD is particularly interested in fostering state-level coalitions between Developmental Disabilities Councils, Protection and Advocacy Systems, University Affiliated Programs, and advocacy and consumer groups to achieve system changes in this area. Examples of successful projects that ADD has funded include:

- South Shore Association for Retarded Citizens: A Home of One's Own (Mary Burt: 617/335-3023)
- Melwood Horticultural Training Center: "Home of Your Own" Project—An Innovative Approach to Increasing Housing and Support Service Options for and Control Over These Options by Persons with Disabilities (Earl Copus, Jr.: 301/599-8000)

- University of New Hampshire: New Hampshire's Home of Your Own (Jan Nisbet: 603/862-4320)

Examples of activities which new projects may wish to initiate include:

- Promoting successful community integration through home ownership/leasing:

- Identifying solutions to barriers (fiscal, policy and programmatic) to individualized housing and individual control; and

- Establishing collaborative arrangements/agreements with local

housing agencies, builders and developers.

**Proposed Fiscal Year 1993 Priority Area 2: Personal Assistance Services**

The purpose of this new ADD priority area is to fund demonstration projects on how personal assistance services can contribute to the independence, productivity and integration into the community of persons with developmental disabilities. ADD is particularly interested in fostering State-level coalitions between Developmental Disabilities Councils, Protection and Advocacy Systems, University Affiliated Programs, and advocacy and consumer groups to achieve systems change in this area.

Examples of project activities include:

- Identifying, modifying and impacting on the various services and options available;
- Demonstrating how access to PAS can be facilitated; and
- Identifying the sources of PAS, how they are acquired, and the ways in which services can be financed.

**Proposed Fiscal Year 1993 Priority Area 3: Leadership/Advocacy**

The purpose of this priority area is to fund a variety of projects that strengthen the ability of individuals to serve as leaders and advocates on critical issues in the developmental disabilities field—in their region, state, community, etc. The ADD is particularly interested in fostering State-level coalitions between Developmental Disabilities Councils, Protection and Advocacy Systems, University Affiliated Programs, and advocacy and consumer groups to achieve systems change in this area. The follow project is an example of a successful model that ADD has funded:

- Strengthening Families/Self-Advocacy and Empowerment
- Minnesota Developmental Disabilities Planning Council: Strengthening American Families through National and Grassroots Strategies (Colleen Wieck: 612/296-9964)
- University of Alabama at Birmingham: Strengthening Families via Partnerships—Minority Families and Families with Challenging Life Circumstances (Sharon Landesman Ramey: 205/934-8900)
- People First of Washington: People First Self-Advocacy Project (Bob Furman: 206/272-2811)
- Youth Leadership Development
- World Interdependence Fund: Project Interdependence—Youth Leadership Development Program (William Bronston: 916/944-0100)

—Association for Retarded Citizens of Northern Virginia: Participation, Independence and Empowerment for Youth with Disabilities Supported by Youth without Disabilities through Leadership Development (Elaine Joyce: 703/532-3214)

Examples of activities which new projects may wish to initiate include:

- Identifying model service programs and projects which promote the leadership qualities essential to serving as a leader/advocate; and
- Identifying State and local linkages that would be essential to establishing collaborative agreements/arrangements on critical issues in the developmental disabilities field that would strengthen an individual's capacity to serve as a leader/advocate.

**Proposed Fiscal Year 1993 Priority Area 4: Community Integration**

Projects proposed under this priority area would support people with developmental disabilities so they can live and be accepted in the communities in which they live. ADD is particularly interested in fostering State-level coalitions between Developmental Disabilities Councils, Protection and Advocacy Systems, University Affiliated Programs, and advocacy and consumer groups to achieve systems change in this area. The follow project is an example of a successful model that ADD has funded:

• Human Services Research Institute: Integration/Recreation—An Examination of Recreational/Leisure Experiences that have Enabled People with Developmental Disabilities to More Fully Participate in the Life of Their Communities (Valerie Bradley: 617/876-0426)

Examples of activities which new projects may wish to initiate include:

- Identifying successful models of integration that can be replicated and disseminated Statewide and nationally; and
- Identifying exemplary models for replication that effectively integrate persons with developmental disabilities into the community through cooperative working relationships between the local service system, individuals and relevant organizations.

**Proposed Fiscal Year 1993 Priority Area 5: Ongoing Data Collection and Information Dissemination**

The purpose of this priority area is to fund a variety of projects through grants and/or cooperative agreements to collect data on public expenditures, employment and economic status, and other factors as they impact on the independence, productivity and

integration into the community of persons with developmental disabilities. ADD is particularly interested in the maximum use of already existing databases and in fostering the widespread dissemination and use of the data by consumers, families and advocacy audiences. Examples of successful projects that ADD has funded include:

• University of Minnesota: National Recurring Data Set Project on Residential Services—Ongoing National and State-by-State Data Collection and Policy/Impact Analysis on Residential Services for Persons with Developmental Disabilities (Robert Bruininks: 612/624-2097)

• University of Illinois at Chicago: Fourth National Study of Public Mental Retardation/Developmental Disabilities Spending (David Braddock: 312/413-1647)

• Boston Children's Hospital: Ongoing National Collection on Data and Employment Services for Citizens with Developmental Disabilities (Bill Kiernan: 617/735-6506)

Examples of activities which new projects may wish to initiate include:

- Identifying, collecting and disseminating new databases;
- Modifying, expanding and/or reformulating existing databases; and
- Connecting, integrating or analyzing available databases.

**Proposed Fiscal Year 1993 Priority Area 6: Technical Assistance Projects**

Under current contractual arrangements, ADD will be awarding funds to provide technical assistance to improve the functions of the Developmental Disabilities Councils, Protection and Advocacy Systems, University Affiliated Programs, and to provide additional technical assistance to the developmental disabilities field in the areas of housing, leadership and policy development.

**CLOSING DATE:** The closing date for submittal of comments is August 10, 1992.

**Part III—The Review Process and CDP Priority Areas**

*A. Eligible Applicants*

Before applications are reviewed, each application will be screened to determine that the applicant organization is an eligible applicant as specified under the selected priority area. Applications from organizations which do not meet the eligibility requirements for the priority area will not be considered or reviewed in the

competition, and the applicant will be so informed.

Each priority area description contains information about the types of agencies and organizations which are eligible to apply under that priority area. Since eligibility varies among priority areas depending on statutory provisions, it is critical that the "Eligible Applicants" section under each specific priority area be read carefully.

Only agencies and organizations, not individuals, are eligible to apply under any of the priority areas. On all applications developed jointly by more than one agency or organization, the applications must identify only one organization as the lead organization and official applicant. The other participating agencies and organizations can be included as co-participants, subgrantees or subcontractors.

For-profit organizations may be eligible to apply for certain grants under the authority of the Native American Programs Act and the Head Start Act. For-profit organizations are also eligible to participate as subgrantees or subcontractors with eligible non-profit organizations under all of the priority areas.

Any non-profit agency which has not previously received Federal support must submit proof of non-profit status with its grant application. The non-profit agency can accomplish this by either making reference to its listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations or submitting a copy of its letter from the IRS under IRS Code section 501(c)(3). ACF cannot fund a non-profit applicant without acceptable proof of its non-profit status.

#### *B. Review Process and Funding Decisions*

Applications that are postmarked by the deadline date and are from eligible applicants will be reviewed and scored competitively. Experts in the field, generally persons from outside of the Federal government, will use the appropriate evaluation criteria listed later in this part to review and score the applications. The results of this review are a primary factor in making funding decisions.

ACF reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant. It may also solicit comments from ACF Regional Office staff, other Federal agencies, interested foundations, national organizations, specialists, experts, States and the general public. These

comments, along with those of the expert reviewers, will be considered by ACF in making funding decisions.

In making decisions on awards, ACF may give preference to applications which focus on or feature: Minority populations; a substantially innovative strategy with the potential to improve theory or practice in the field of human services; a model practice or set of procedures that holds the potential for replication by organizations involved in the administration or delivery of human services; substantial involvement of volunteers; substantial involvement (either financial or programmatic) of the private sector; a favorable balance between Federal and non-Federal funds available for the proposed project; the potential for high benefit for low Federal investment; a programmatic focus on those most in need; and/or substantial involvement in the proposed project by national or community foundations.

To the greatest extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, ACF may also take into account the need to avoid unnecessary duplication of effort.

#### *C. Evaluation Criteria*

There are two sets of evaluation criteria: Demonstration and training applications will be evaluated against one set, while research applications will be evaluated against another set. Using the appropriate evaluation criteria below (see sections C.1. and C.2.), a panel of at least three reviewers (primarily experts from outside the Federal government) will review the applications. Applicants should ensure that they address each minimum requirement in the priority area description under the appropriate section of the Program Narrative Statement.

Reviewers will determine the strengths and weaknesses of each proposal in terms of the appropriate evaluation criteria listed below, provide comments and assign numerical scores. The point value following each criterion heading indicates the maximum numerical weight that each section may be given in the review process.

##### **1. Demonstration and Training Projects**

Applications under all priority areas, except those listed under Research Projects, will be evaluated against the following criteria.

###### *A. Objectives and Need for Assistance (20 points)*

The extent to

which the application pinpoints any relevant physical, economic, social, financial, institutional or other problems requiring a solution; demonstrates the need for the assistance; states the principal and subordinate objectives of the project; provides supporting documentation or other testimonies from concerned interests other than the applicant; and includes and/or footnotes relevant data based on the results of planning studies. The application must identify the precise location of the project and area to be served by the proposed project. Maps and other graphic aids may be attached.

**B. Results or Benefits Expected (20 points)** The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the proposal, and the extent to which the application indicates the anticipated contributions to policy, practice, theory and/or research. The extent to which the proposed project costs are reasonable in view of the expected results.

**C. Approach (35 points)** The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements; and provides for projections of the accomplishments to be achieved. It lists the activities to be carried out in chronological order, showing a reasonable schedule of accomplishments and target dates.

The extent to which, when applicable, the application identifies the kinds of data to be collected and maintained, and discusses the criteria to be used to evaluate the results and successes of the project. The extent to which the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. The application also lists each organization, agency, consultant, or other key individuals or groups who will work on the project, along with a description of the activities and nature of their effort or contribution.

#### *D. Staff Background and Organization's Experience (25 points)*

The application identifies the background of the project director/

principal investigator and key project staff (including name, address, training, educational background and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer this project. The application describes the relationship between this project and other work planned, anticipated or underway by the applicant with Federal assistance.

## 2. Research Projects

The following research priority areas will be evaluated using the evaluation criteria below:

- 1.01 Head Start and University Partnerships
- 1.02 Correlates of Positive Outcomes for Different Types of Head Start Children and Families
- 1.03 Support for Graduate Students: The Head Start Research Fellows Program
- 1.20 Field Initiated Research in Child Welfare by Recent Recipients of Doctoral Degrees
- 1.21 Field Initiated Research in Child Welfare
- 1.22 Field Initiated Research on Child Abuse and Neglect
- 1.23 Graduate Research Fellowships in Child Abuse and Neglect
- 1.24 Research on the Non-Offending Maternal Parent of Victims of Intrafamilial Child Sexual Abuse
- 1.25 Infrastructure for the Support of Research on Child Abuse and Neglect

**A. Objectives (15 points).** The extent to which the application concisely states the specific objectives of the project and describes what the research project is intended to accomplish. The research issue(s) to be addressed or the specific theory driven question(s) to be answered and the hypothesis(es) to be tested are well formulated. (The response to this criterion should be reflected in the "Objectives and Need for Assistance" section of the Program Narrative Statement.)

**B. Background and Significance (15 points).** The extent to which the application effectively discusses the current state of knowledge relative to the issue or area that is addressed, and provides a review of the literature, including previous work of the author(s) of the proposal (a list of references must be included with the application). The results of any pilot tests are described. The application indicates how the proposed research will build on the current knowledge base and contribute to policy, practice and future research. (The response to this criterion should be reflected in the "Objectives and Need for Assistance" section of the Program Narrative Statement.)

**C. Approach (45 points).** The extent to which the application delineates how

the terms used in the study will be defined and operationalized, identifies variables and data sources, and discusses the selection, adaptation or development of instruments to be used, including information on reliability and validity. The application outlines the experimental design features and the procedures for data collection, processing, analysis and interpretation. As applicable, it includes a sampling plan for the selection of site(s) and subjects. The sample sizes must be sufficiently large for both statistical power and significance.

The application describes the characteristics of the target population, utilizing approaches that are culturally sensitive, and details recruitment procedures for the study subjects. For intervention studies, the theory base, ecological setting, and level of intervention are described. The application discusses any potential difficulties in the proposed procedures, provides realistic estimates of attrition and discusses statistically appropriate ways of adjusting the sample.

The extent to which the application reflects sensitivity to ethical issues that may arise, such as potential deception, delayed or diminished treatment for control groups placed on waiting lists, provision for treatment and removal from the project if a potentially dangerous behavior is exhibited, plans for stopping an intervention that proves harmful or unsuccessful, or lag in debriefing the subject. The extent to which the applicant addresses procedures for the protection of human subjects, confidentiality of data and consent procedures. (Where applicable, a Protection of Human Subjects Assurance must be included with the application, in addition to the other required assurances.)

The extent to which the application indicates that the data sets will be prepared according to sound documentation practices and that the final report will be prepared in a format that ensures its ease for dissemination and utilization. The application proposes strategies for dissemination of findings in a manner that will be of use to researchers and practitioners in the field.

The extent to which the application outlines a sound and workable plan of action and details how the proposed work will be accomplished. The activities to be carried out are listed in chronological order, showing a reasonable schedule of accomplishments and target dates. The application includes an adequate staffing plan that lists key staff and

consultants along with their responsibilities on the project, and that allocates a sufficient amount of time for each person to these activities. The application delineates how the research team will be assembled and the use of any advisory panels. It also lists each organization, agency, or other key groups that will work on the project, along with a description of their activities and training plans. The application indicates the ability to gain access to necessary information, data and clients. A sound administrative framework for maintaining quality control over the implementation and operation of the study is detailed. The author(s) of the application and his/her role in the proposed project is/are identified. (Letters of commitment, where appropriate, must be included with the application.) The proposed project costs are reasonable, and the funds are appropriately allocated across component areas and are sufficient to accomplish the objectives. (The response to this criterion should be reflected in the "Approach" section of the Program Narrative Statement.)

**D. Staff Background and Organization's Experience (25 points).** The extent to which the application describes the background, experience, training and qualifications of the key staff and consultants, including work on related research and similar projects. It describes the personal resources available for sampling, experimental design, statistical analysis and field work. Key personnel have a working knowledge of the proposed research and are geographically accessible. (Two Curriculum vitae for each key person must be included with the application.) The adequacy of the available facilities and organizational experience related to the tasks of the proposed project are detailed. (A two page organizational capability statement must be included with the application.) Any collaborative efforts with other organizations, including the nature of their contribution to the project, are described. (Letters of commitment, where appropriate, must be included with the application.)

The extent to which the application demonstrates the ability of the staff and organization to effectively and efficiently administer a project of the size, complexity and scope proposed. It further reflects the capacity to coordinate activities with other agencies for the successful accomplishment of project objectives. The application describes the relationship between this project and other work planned, anticipated or underway by the applicant with Federal assistance. (The

response to this criterion should be reflected in the "Staff Background and Organization Experience" section of the Program Narrative Statement.)

#### D. Structure of Priority Area

**Descriptions.** Each priority area description is composed of the following sections:

- **Eligible Applicants:** This section specifies the type of organization which is eligible to apply under the particular priority area. Specific restrictions are also noted, where applicable.

- **Purpose:** This section presents the basic focus and/or broad goal(s) of the priority area.

- **Background Information:** This section briefly discusses the legislative background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular priority area activity. Relevant information on projects previously funded by ACF and/or others State models are noted, where applicable. Some priority areas specify individuals to contact for more information.

- **Minimum Requirements for Project Design:** This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. Inclusion and discussion of these items is important since they will be used by the reviewers in evaluating the applications against the evaluation criteria. Project products, continuation of the project effort after the Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed.

- **Project Duration:** This section specifies the maximum allowable length of time for the project period; it refers to the amount of time for which Federal funding is available.

- **Federal Share of Project Costs:** This section specifies the maximum amount of Federal support for the project.

- **Matching Requirement:** This section specifies the minimum non-Federal contribution, either through cash or in-kind match, that is required to the maximum Federal funds requested for the project.

- **Anticipated Number of Projects To Be Funded:** This section specifies the number of projects that ACF anticipates it will fund in the priority area.

- **CFDA:** This section identifies the Catalog of Federal Domestic Assistance (CFDA) number and title of the program under which applications in this priority area will be funded. This information is needed to complete item 10 on the SF 424.

Please note that applicants that do not comply with the specific priority area requirements in the section on "Eligible Applicants" will not be included in the review process. Applicants should also note that non-responsiveness to the section "Minimum Requirements for Project Design" will result in a low evaluation score by the panel of expert reviewers. Applicants must clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly. Previous experience has shown that an application which is broader and more general in concept than outlined in the priority area description is less likely to score as well as one which is more clearly focused on and directly responsive to the concerns of that specific priority area.

#### E. Available Funds

ACF intends to award new grants and cooperative agreements resulting from this announcement during the fourth quarter of fiscal year 1992 and the first and second quarters of fiscal year 1993, subject to the availability of funding. The size of the actual awards will vary. Each priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term "budget period" refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term "project period" refers to the total time a project is approved for support, including any extensions.

Where appropriate, applicants may propose project periods which are shorter than the maximums specified in the various priority areas. Non-Federal share contributions may exceed the minimums specified in the various priority areas when the applicant is able to do so.

For multi-year projects, continued Federal funding beyond the first budget period is dependent upon proof of satisfactory performance and the availability of funds from future appropriations.

#### F. Grantee Share of Project Costs

Other than the exceptions described below, Federal funds will be provided to cover up to 75% of the total allowable project costs. Therefore, the non-Federal share must amount to at least 25% of the total (Federal plus non-Federal) project cost. This means that, for every \$3 in Federal funds received, up to the maximum amount allowable under each

priority area, applicants must contribute at least \$1.

For example, the cost breakout for a project costing \$100,000 to implement would be:

Federal request	Non-federal share	Total cost
\$75,000 75%	\$25,000 25%	\$100,000 100%

**Exceptions:** The first exception to the grantee cost sharing requirement relates to projects funded under the Native American Programs Act. Successful applicants funded under this Act must contribute \$1 for every \$4 in Federal grant funds received up to the maximum specified in the priority area description. This non-Federal grantee share amounts to at least 20% of the entire project cost. For example, the project cost breakout for a \$100,000 project would be:

#### NATIVE AMERICAN PROGRAMS ACT

Federal request	Non-federal share	Total cost
\$80,000 80%	\$20,000 20%	\$100,000 100%

Applicants requesting funds under the Native American Programs Act (priority areas 2.01, 2.02 and 2.03) should note that, if necessary, they may also include in their applications a request to the Administration for Native Americans for a waiver of the non-Federal cost-sharing requirement for the project based on the criteria specified in 45 CFR 1336.50(b). Each request will be reviewed on a case-by-case basis under the applicable laws and regulations. However, Native American organizations and Tribes applying under other priority areas must meet the 25% cost-sharing requirement.

The second exception pertains to projects to be funded under the following priority areas, which similarly require a 20% non-Federal match or cost sharing:

- 1.04 Head Start Teaching Centers
- 1.05 Increasing Higher Education Opportunities for Head Start Component Coordinators at Historically Black Colleges and Universities
- 1.06 Collaborative Training Effort to Support Children With Severe Disabilities in Head Start
- 1.07 Immunization of Younger Siblings of Head Start Children
- 1.08 Assisting Settled-out Migrant Families

The third exception relates to priority area 1.09, "Professional Education for Public Child Welfare Practitioners," which requires no matching funds for

the portion of the budget that pays for traineeships. However, a 25% match is required for all other project costs.

The fourth exception relates to applications originating from American Samoa, Guam, the Virgin Islands, Palau and the Commonwealth of the Northern Mariana Islands. Applications from these areas are covered under section 501(d) of Public Law 95-134, which requires that the Department waive "any requirement for local matching funds for grants under \$200,000."

The fifth and final exception pertains to projects to be funded under the following priority areas, which require no non-Federal match or cost sharing:

- 1.01 Head Start and University Partnerships
- 1.02 Correlates of Positive Outcomes for Different Types of Head Start Children and Families
- 1.03 Support for Graduate Students: The Head Start Research Fellows Program
- 1.18 Assistance to States to Improve Adoption Data
- 1.20 Field Initiated Research in Child Welfare by Recent Recipients of Doctoral Degrees
- 1.21 Field Initiated Research in Child Welfare
- 1.22 Field Initiated Research on Child Abuse and Neglect
- 1.23 Graduate Research Fellowships in Child Abuse and Neglect
- 1.24 Research on the Non-Offending Maternal Parent of Victims of Intrafamilial Child Sexual Abuse
- 1.25 Infrastructure for the Support of Research on Child Abuse and Neglect

The applicant contribution must always be secured from non-Federal sources, except for American Indian Tribes and Native American organizations. The non-Federal share of total project costs may be in the form of grantee-incurred costs and/or third party in-kind contributions. ACF strongly encourages applicants to meet their match requirement through a cash contribution, as opposed to an in-kind contribution. For further information on in-kind contributions, refer to the instructions for completing the SF 424A—Budget Information, in Part IV.

The required amount of non-Federal share to be met by the applicant is the amount indicated in the approved application. Grant recipients will be required to provide the agreed upon non-Federal share, even if this exceeds 25% (or other required portion) of the project costs. Therefore, an applicant should ensure the availability of any amount proposed as match prior to including it in its budget.

The non-Federal share must be met by a grantee during the life of the project. Otherwise, ACF will disallow any unmatched Federal funds.

#### *G. Cooperation in Evaluation Efforts*

Grantees funded under particular priority areas may be requested to cooperate in evaluative efforts funded by ACF. A statement is included in the priority area description of those priority areas involving common ACF-funded evaluators. The purpose of these evaluation activities is to learn from the combined experience of multiple projects funded under a particular priority area. To the degree possible, grantees under these priority areas will be expected to coordinate their data gathering efforts with one another, as appropriate, under the direction of an ACF-supported evaluator.

#### *H. Closed Captioning for Audiovisual Efforts*

Applicants are encouraged to include "closed captioning" in the development of any audiovisual products.

#### *I. Public Comments*

The Administration on Developmental Disabilities has included its request for public comment on its FY 1993 proposed priorities for the Projects of National Significance in this program announcement (part II). The due date for the receipt of public comments is August 10, 1992.

The Child Abuse and Neglect program published its proposed priority areas for public comment in the *Federal Register* on December 11, 1991 (56 FR 238, Page 64634). The final priorities in this announcement reflect consideration of the comments and recommendations received from the public on the proposed priorities published in December. For additional information on the public comments relative to the Child Abuse and Neglect Program, see the discussion immediately preceding the Child Abuse and Neglect priority area descriptions under the Administration on Children, Youth and Families.

#### *J. Index of Priority Areas*

To assist potential applicants in the use of this announcement, a priority area index in numerical order, is presented below:

1. Administration on Children, Youth and Families
- Head Start Bureau
  - 1.01 Head Start and University Partnerships
  - 1.02 Correlates of Positive Outcomes for Different Types of Head Start Children and Families
  - 1.03 Support for Graduate Students: The Head Start Research Fellows Program
  - 1.04 Head Start Teaching Centers

- 1.05 Increasing Higher Education Opportunities for Head Start Component Coordinators at Historically Black Colleges and Universities
- 1.06 Collaborative Training Effort to Support Children With Severe Disabilities in Head Start
- 1.07 Immunization for Younger Siblings of Head Start Children
- 1.08 Assisting Settled-out Migrant Families Children's Bureau
- 1.09 Professional Education for Public Child Welfare Practitioners
- 1.10 Child Welfare Training Conferences and Coordination
- 1.11 Achieving Permanency for Children in Relative Foster Care
- 1.12 Assistance for Children in Residential Group Care to Obtain Permanent Homes
- 1.13 Adoptive Placement of Foster Care Children
- 1.14 Recruitment and Retention of Adoptive Parents for Minority Males
- 1.15 Recruitment of Military Families for the Adoption of Special Needs Children
- 1.16 Recruitment of Rural Families for the Adoption of Special Needs Children
- 1.17 Adoptive Parent Groups as Partners in the Adoption of Special Needs Children
- 1.18 Assistance to States to Improve Adoption Data
- 1.19 Field Initiated Proposals to Improve Adoption Services to Children with Special Needs
- 1.20 Field Initiated Research in Child Welfare by Recent Recipients of Doctoral Degrees
- 1.21 Field Initiated Research in Child Welfare

National Center on Child Abuse and Neglect

- 1.22 Field Initiated Research on Child Abuse and Neglect
- 1.23 Graduate Research Fellowships in Child Abuse and Neglect
- 1.24 Research on the Non-Offending Maternal Parent of Victims of Intrafamilial Child Sexual Abuse
- 1.25 Infrastructure for the Support of Research on Child Abuse and Neglect
- 1.26 New Field-Initiated Demonstrations and Replications of Successful Projects Addressing Child Abuse and Neglect
- 1.27 Culturally Sensitive Child Maltreatment Prevention Demonstration Programs for Populations of Differing Cultures
- 1.28 Model Approaches to Service Delivery to Combat Child Maltreatment in Rural Communities
- 1.29 National Training Program for Effective Models of Child Sexual Abuse Treatment Programs
2. Administration for Native Americans
- 2.01 Developing a Comprehensive National Model for Native American Veterans to Access and Utilize Services and Benefits
- 2.02 Stabilizing and Expanding National and International Markets for Tribal Manufacturing Companies
- 2.03 Developing Innovative Community Approaches to Entrepreneurial Activities for Native American Youth

## 3. Office of Community Services

3.01 Public Information/Community Awareness Projects for the Prevention of Family Violence

## 4. Office of Policy and Evaluation

4.01 Improving the Administration of Child Welfare Services

4.02 Multi-State Foster Care Data Archive

4.03 Transfer of International Innovations

4.04 Decategorization of Services

## K. CDP Priority Areas

1. Administration on Children, Youth and Families Head Start Bureau

1.01 Head Start and University Partnerships

*Eligible Applicants:* Universities and four-year colleges.

*Purpose:* To develop new knowledge that will enhance the effectiveness of Head Start and other early childhood programs in serving children and families.

*Background Information:* As the Nation's foremost child and family development program, one of Head Start's mandates is the support of new research which will enhance Head Start's effectiveness and inform other early childhood development programs about new research findings. One of Head Start's most significant features is its enormous variability both in terms of program design and the population served. This variability offers a unique opportunity for research which will contribute to understanding differences in these diverse populations as well as determine how to most effectively tailor services and interventions for children and families with different characteristics.

ACF is interested in funding projects which actively engage universities in research and/or demonstration efforts directed to the issues described below, are conducted with Head Start populations and use Head Start programs as study sites.

Research is needed on the particular learning styles, social development, and developmental trajectories of children as well as on indicators of family functioning as they are manifested in specific cultural and/or linguistic groups, among children with specific disabilities, and among families at different levels of functioning. Research is also needed on appropriate intervention strategies for these particular groups.

One area which applicants might consider is the need for suitable instruments for measuring child and family functioning for different subpopulations. There is a need to identify and adapt promising instruments that have been used in small studies on non-Head Start

populations and/or on older children, or to develop new ones where no such instruments exist.

Currently, there are 10 University/Head Start research projects funded by ACF. A listing of these projects is available from Adrienne Brigmon, Head Start Bureau, at (202) 245-1902.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Propose one or more research questions which would contribute to the knowledge base targeted under this priority area.

- Place the proposed project in the context of previous research or existing knowledge. A strong and convincing rationale for the need for the proposed project should be provided that is supported by results from any relevant planning studies, pilot studies or other preparatory work conducted by the applicant.

- Describe the research design and any proposed statistical analyses that would be employed, including a discussion of the proposed measurement instruments, surveys, interviews, observation procedures or other data collection procedures.

- Provide evidence of the key research staff's ability to conduct the project, including vitae and other appropriate documentation.

- Identify the Head Start program(s) with which the applicant institution would collaborate in the conduct of the research, and include letters indicating the local Head Start program's willingness to participate in and to comply with all aspects of the research design (e.g., random assignment of children, if appropriate).

- Describe the population served by the Head Start program(s) including size, ethnicity, income levels, percent of single parent families, welfare status and other relevant information.

- Provide assurances that the principal investigator or another appropriate staff member would attend two 2-3 day grantee meetings in Washington, DC each year.

- Describe the report and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$150,000 for the first 12-month budget

period or a maximum of \$450,000 for a 3-year project period.

*Matching Requirement:* There is no matching requirement.

*Anticipated Number of Projects to be Funded:* It is anticipated that 5 projects will be funded.

*CFDA:* 93.600 Head Start: Head Start Act, as amended.

1.02 Correlates of Positive Outcomes for Different Types of Head Start Children and Families

*Eligible Applicants:* Universities and four-year colleges.

*Purpose:* To develop new knowledge concerning the relationship of program, family and community variables which predict positive outcomes for different types of Head Start children and families during Head Start and in future years.

*Background Information:* Although the short-term effects of Head Start have been well documented, the literature suggests that there is a decline in these effects by the end of the third grade. Findings from longitudinal studies of Head Start are compatible with those of a larger body of literature on the "fourth grade slump" experienced by most low-income children. While these studies shared a common methodology for comparing children who attended Head Start with low-income children who did not, they treated Head Start as a monolithic program and Head Start children and families as a homogeneous population. One of Head Start's significant features, however, is its enormous variability in terms of the populations that are served, the communities in which they are located and the methods by which services are delivered. Moreover, within programs, children and families vary in their level of functioning, ethnicity and other variables which interact with program interventions.

Head Start is embarking on a new generation of research which examines such questions as "What works best for children and families with different characteristics under what conditions?" and "What program, family and community variables foster positive effects in Head Start and in future years?" ACF is interested in funding longitudinal studies in which investigators examine these issues with specific Head Start subpopulations.

Currently, there are 10 University/Head Start research projects funded by ACF. A listing of these projects is available from Adrienne Brigmon, Head Start Bureau, at (202) 245-1902.

*Minimum Requirements for Project Design:* In order to compete successfully

under this priority area, the applicant should:

- Present a theoretical framework which would guide the conduct of and analyses under the study.
- State the hypotheses which would be tested under the study.
- Present the major study variables, along with a strong rationale for the selection of these variables, for the specific population under consideration.
- Present the previous research or existing knowledge on which the selection of the variables is based.
- Describe the design that would be employed in the conduct of the study including research methods; sample selection; proposed measurement instruments, surveys, interviews, observation procedures or other data collection procedures; and proposed analyses.
- Identify the Head Start program(s) in which the applicant would conduct the research and provide letters assuring the program's willingness to participate in and to comply with all aspects of the research design.
- Describe the characteristics of the Head Start sample that would be involved in the study including size, ethnicity, income levels, family composition, welfare status and other relevant information.
- Provide assurances that the principal investigator would be willing to participate in a consortium with the investigators of other projects funded under this priority area for the purposes of coordinating and integrating the studies.
- Provide assurances that the principal investigator or another appropriate staff member would attend two 2-3 day meetings in Washington, DC each year to meet with investigators of other projects funded under this priority area.
- Provide evidence of the key research staff's ability to conduct the project, including vitae and other appropriate documentation.
- Describe the report and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

*Project Duration:* The length of this project must not exceed 60 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$100,000 for the first 12-month budget period or a maximum of \$500,000 for a 5-year project period.

*Matching Requirement:* There is no matching requirement.

*Anticipated Number of Projects To Be Funded:* It is anticipated that 5 projects will be funded.

*CFDA: 93.600 Head Start: Head Start Act, as amended.*

#### 1.03 Support for Graduate Students: The Head Start Research Fellows Program

*Eligible Applicants:* Institutions of higher education on behalf of qualified doctoral candidates enrolled in the sponsoring institution. To be eligible to administer the grant on behalf of the student, the institution must be fully accredited by one of the regional accrediting commissions recognized by the Department of Education and the Council on Post-Secondary Accreditation.

*Purpose:* To provide support for graduate students to conduct research with Head Start populations which will contribute to the knowledge base for improving services for Head Start children and families.

*Background Information:* A large body of literature exists on the early years of the Head Start program. A significant number of these studies are of dissertations and other research conducted by graduate students. Most of this literature consists of studies on the effectiveness of the Head Start program through comparisons of children who were enrolled in Head Start and low-income children who did not receive Head Start services. These studies generally considered Head Start to be a monolithic program, and Head Start children and families were treated as a homogeneous population.

A new generation of Head Start research is needed that recognizes the great diversity among Head Start programs and the populations which it serves. Although Head Start delivers a core set of services which are defined by the Head Start Program Performance Standards, there is wide variability across programs in terms of the methods by which these services are delivered. Within programs, moreover, children and families vary in their levels of functioning, ethnicity and other variables which interact with program interventions. The Head Start population offers a unique opportunity for research which will contribute to understanding the differences in this diverse population and how to effectively tailor services and interventions for children and families with different characteristics.

Research is needed on the particular learning styles, the cognitive and social development, and the developmental trajectories of children as well as on indicators of family functioning as they are manifested in specific cultural and/or

linguistic groups, children with specific disabilities, and families at different levels of functioning. In addition, suitable measures of child, adult and family functioning must be identified and adapted for specific subgroups of this diverse population.

ACF is interested in supporting doctoral-level students, through their sponsoring institutions, who are now conducting or wish to conduct research on the Head Start population, and which will contribute to the literature.

Currently, there are 5 Head Start research fellows programs funded by ACF. A list of these projects is available from Adrienne Brigmon at the Head Start Bureau (202) 245-1902.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Provide evidence of the candidate's ability to conduct the research including education, employment experiences, publications, and information on current academic status.
- Provide a letter from a faculty member providing assurances that he or she has read and approved the proposal and would serve as a mentor/advisor to the student throughout the life of the project.
- Propose one or more research questions which would contribute to the body of knowledge about Head Start children, families and programs.
- Place the proposed project in the context of previous research or existing knowledge, and provide a strong and convincing rationale for the need for the proposed project.
- Present specific results from any relevant planning studies, pilot studies, or other preparatory work conducted by the candidate.
- Describe the research design that would be employed including the research methods; sample selection; proposed measurement instruments, surveys, interviews, observation procedures or other data collection procedures; and proposed statistical analyses.
- Identify the Head Start programs(s) in which the research would be conducted and describe the characteristics of the Head Start sample including size, ethnicity, income levels, family composition, welfare status and other relevant variables.
- Provide letters of commitment from the local Head Start program(s) assuring its participation in the plan for the study and its agreement to participate in the study.
- Provide assurances that the grant would be used to pay a stipend to the

candidate; any appropriate university fees; and major project costs for conducting the proposed research, including any necessary travel.

- Consider, because of the small amount of these awards, waiving any overhead or indirect costs.

• Provide assurances that the candidate would attend one 2-3 day meeting of the Head Start Research Fellows in Washington, DC each project year.

• Describe the report and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

*Project Duration:* The length of the project must not exceed 24 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$10,000 for the first 12-month budget period or a maximum of \$20,000 for a 2-year project period.

*Matching Requirement:* There is no matching requirement.

*Anticipated Number of Projects to be Funded:* It is anticipated that 7 projects will be funded. No individual university will be funded for more than one candidate.

*CFDA:* 93.600 Head Start: Head Start Act, as amended.

#### 1.04 Head Start Teaching Centers

*Eligible Applicants:* Head Start grantees.

*Purpose:* To demonstrate effective methods for the training of Head Start staff at individual Head Start programs. Head Start Teaching Centers will be Head Start sites which provide exemplary services and have the capacity to teach, through participatory training, practice in all components of Head Start services.

*Background Information:* Head Start programs are responsible for assuring that staff have the skills needed to perform effectively. It is important that grantees provide ongoing, up-to-date training to local Head Start staff, especially as Head Start expands, new staff are added, staff responsibilities change and the needs of children and families change. Providing effective training for staff with varied skill levels remains a challenge in Head Start.

As part of its efforts to develop new approaches for Head Start training, ACF is interested in testing the concept of "Head Start Teaching Centers." The most useful analogy is that of the Teaching Hospital, where quality medical services are provided and visiting doctors receive on-site training.

Head Start Teaching Centers must provide quality Head Start services in all components of Head Start, and must also be able to provide quality training to visiting Head Start staff. The training provided at the Head Start Teaching Centers will be participatory in nature, relying heavily on observation, guided practice and immediate feedback. Didactic information sharing is not the purpose of the Head Start Teaching Centers.

Head Start Teaching Centers may provide intensive training over a relatively short timeframe, e.g., one to two weeks, or may provide training periodically over a longer timeframe, e.g., six months to one year. Teaching Centers may be designed as residential programs or "commuter" programs.

Trainees may include staff from other nearby Head Start programs as well as staff from the applicant's Head Start program. Trainees must have had some Head Start experience and be ready to benefit from the training provided in the Teaching Center setting.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Document that its current program provides high-quality services to Head Start children and their families.
- Describe its record of providing high quality services in each of the Head Start component areas.
- Describe current training practices and curriculum.
- Demonstrate an understanding of the essential elements of developing a Head Start Teaching Center. These would include, for example, facilities, equipment, staff, and supervision and management.
- Discuss the objectives of the training program and how these objectives would be achieved.

• Provide a proposed training design. The design must include training in all four major Head Start components: education, health, social services and parent involvement. The design must be participatory in nature, including observation, guided practice and immediate feedback. The discussion of the design should also address the length of the training that would be provided, timeframes for providing this training, and, to the extent practicable, schedules for the training activities.

- If the proposed training design requires the technical assistance of colleges, universities, or nonprofit agencies, include letters of commitment assuring their willingness to participate and indicating the roles they would play in the project.

- Describe how the delivery of the local Head Start program services would be coordinated with the training activities provided through the Head Start Teaching Center project.

- Describe how the Teaching Center would demonstrate the full range of services to children and their families and demonstrate how it would access training and technical assistance resources.

- Discuss any necessary arrangements that would be made to ensure that the training is not disruptive to the delivery of Head Start services and/or that the confidentiality of families enrolled in the Head Start program is respected.

- Describe the target population for the proposed Head Start Teaching Center, e.g., the number of trainees and their skill levels as well as how the project would recruit/market the training opportunities to potential trainees.

- Document that the space to be used for the Teaching Center meets, or would be modified to meet, local and State licensing requirements and that it would be able to accommodate the additional adults who would participate in the training.

- Document that the space is physically appropriate for a Head Start Teaching Center or could be modified as necessary. At a minimum, the physical layout of the space must provide for one-way viewing of the classroom and the area where interactions with families take place, unobtrusive space for viewing playground activities, and an area outside of the classroom for trainees to meet.

- Discuss any physical improvements necessary to meet the objectives of the Head Start Teaching Center. Describe how physical improvements would address one-way viewing of the classroom, family interaction space, playground viewing and trainee meeting space. Document how these improvements would be made, the schedule for doing so, and what improvements would be supported through this grant.

- Describe how the Center will be equipped with state-of-the-art furniture, learning materials and resources reflective of the children and families being served. Applicants are encouraged to incorporate resources unique to the community into the program activities, such as agricultural products and locally manufactured items. This equipment must meet both the applicable Head Start Program Performance Standards and the Multicultural Principles for

Head Start Programs, and must be developmentally appropriate.

- If appropriate to the training design, describe what arrangements would be made to provide residential accommodations for the trainees.

Applicants are encouraged to explore relationships with local colleges or universities and other private or public non-profit agencies.

- Describe the project staffing, including numbers and qualifications of the staff and the role of each staff member in the proposed project. Identify the percentage of each staff member's time that would be dedicated to the project as opposed to any other duties in the regular Head Start program.

- Provide for a Project Coordinator whose duties shall include:

- (1) As appropriate, directing the recruitment of potential trainees;

- (2) Coordinating trainees' schedules with the planned activities of the ongoing program so as not to disrupt the work of the local staff;

- (3) Arranging for and scheduling the training sessions;

- (4) As appropriate, coordinating and arranging for residential accommodations; and

- (5) Conducting orientation and training sessions for trainees and visitors.

- Provide assurances that the Project Coordinator or another appropriate staff member would attend an annual 2-3 day meeting of Head Start Teaching Center grantees in Washington, DC.

- Describe one of the following approaches that would be implemented to evaluate the project's effectiveness:

- (1) Arranging with a local university to conduct the evaluation; or

- (2) Securing the services of a consultant with training and experience in research and evaluation to conduct the evaluation.

- Describe the evaluation plan that would be implemented, including the outcomes that would be measured, the measures to be used, and how the data would be analyzed. The evaluation design must provide for comparison groups, unless another proposed method can be documented to be equally effective. No less than 15 percent of the total project budget shall be set aside for the evaluation each year.

- Provide vitae for the key program staff and for the person(s) who would be responsible for the evaluation.

- Specify operating costs separately from one-time costs in the budget. Provide a unit cost to describe the cost per trainee.

*Project Duration:* The length of the project must not exceed 60 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$200,000 for the first 12-month budget period or a maximum of \$1,000,000 for a 5-year project period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$1,000,000 is \$250,000 for a 5-year project period. This constitutes 20 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 7 projects will be funded. In making funding decisions, consideration will be given to an urban/rural mix, ethnic/racial diversity focus, and variety in project designs. Applications submitted by the American Indian and Migrant Head Start grantees will each be reviewed separately, in order to address the unique programmatic needs of families served by these programs. It is anticipated that one Teaching Center grant will be awarded each to an American Indian and a Migrant Head Start grantee.

*CFDA: 93.600 Head Start: Head Start Act, as amended.*

#### 1.05 Increasing Higher Education Opportunities for Head Start Component Coordinators at Historically Black Colleges and Universities.

*Eligible Applicants:* Historically Black Colleges and Universities (HBCUs), as defined in Executive Order 12677, which offer courses of study in the areas of human services delivery, early childhood education and care, health care services, and/or human resources development that lead to a bachelor's or master's degree. Preference will be given to those schools that are in rural areas and offer degrees in at least two of the relevant subject matter areas.

*Purpose:* To utilize the capabilities of HBCUs to improve the quality and long-term effectiveness of Head Start by developing models of academic training for Head Start education, health, social services and parent involvement coordinators who are currently employed within the geographic area served by that college or university.

*Background Information:* The overall goal of Head Start is to bring about a greater degree of social competence in the children of low-income families. In order to accomplish this goal, Head Start provides comprehensive services to low-income children and their families. These services include education, health, social services and parent involvement. Typically, each service component is administered by a component coordinator. Many of these coordinators need specialized training

to adequately implement a quality Head Start program.

In FY 1990, ACF funded two HBCUs to provide higher education services for Head Start Program coordinators. Alabama A and M University in Normal, Alabama, and LeMoyne-Owens College in Memphis, Tennessee, were awarded three-year grants. Both schools have tailored their programs to meet the needs of Head Start coordinators who work full-time and offer the "weekend college" format.

The project at Alabama A and M University is offering a program that will lead to a Master of Arts (MA) degree in Home Economics. It is expected that 10 of the 12 coordinators enrolled in the program will complete their MA requirements. The students can choose to focus on such topics as nutrition, early childhood education, and human services delivery.

LeMoyne-Owens College is offering a teacher preparation program to 12 students which will lead to a Bachelor's in Education (BA) degree. The College will continue to enroll and serve any student who will not have completed the BA requirements by the close of the three-year grant period.

Under this announcement, eligible HBCUs may propose to replicate one of these approaches or to use another approach. For example, the HBCU could offer academic degrees in social services and early childhood education which would be appropriate training areas for at least two component coordinators. These projects will improve the capacity of Historically Black Colleges and Universities to provide degree level training to Head Start staff. The projects funded under this priority area should benefit both the Head Start program and HBCUs.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Document the need for such a training program in the community to be served, identify potential students and provide maps indicating the location of the Head Start grantees.

- Document that the applicant HBCU currently offers credit courses in the areas of community health services, education and early childhood development, including infant/toddler development, social work and social services, and parent involvement and/or human resources development.

- Describe how the course work would be contextually and culturally relevant to the Head Start environment and would be available to all interested

and eligible Head Start program coordinators.

- Provide assurances that only the first six months of the project would be considered planning time.

- Ensure that the Head Start coordinators participating in the training are currently in good standing, would continue to be full-time employees and have not completed their bachelor's or master's degrees. Describe the assurances that would be required of trainees that they would remain with Head Start for at least one year after completion of their training program, including the written agreement to be obtained from the trainees regarding the reimbursement of training cost if the commitment is not fulfilled.

- Ensure that training/coursework is offered at no cost to Head Start trainees.

- Describe the relevant curricula which would be used; how the courses would be scheduled; how students would earn credits and degrees; what support activities would be provided to the students to ensure their success; the number of students that would be involved (a minimum of 10 students must be trained per project during the grant period); the recruitment strategies that would be employed; and plans for the dissemination of information about the project.

- Describe the activities that would continue after the completion of this project that would maintain the HBCU's involvement with Head Start.

- Describe one of the two following approaches that would be implemented to evaluate the project's effectiveness:

- (1) Arrangements with a local university to conduct the evaluation; or

- (2) Securing the services of a consultant with training and experience in research and evaluation to conduct the evaluation.

- Identify who would conduct the evaluation of the project's effectiveness and describe the evaluation plan that would be implemented, the outcomes that would be measured and the evaluation design that would be employed, including the measures to be used and how the data would be analyzed. No less than 15 percent of the total project budget shall be set aside for the evaluation each year.

- Provide vitae for the key program staff and for the person(s) who would be involved in the evaluation.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$65,000 per budget year or a maximum of \$195,000 for a 3-year project period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$195,000 is \$48,750. This constitutes 20 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that up to 3 projects will be funded.

*CFDA: 93.600 Head Start: Head Start Act, as amended.*

**1.06 Collaborative Training Efforts to Support Children With Severe Disabilities in Head Start**

*Eligible Applicants:* Head Start grantees or University Affiliated Programs (UAPs).

*Purpose:* To demonstrate the capacity of Head Start and the University Affiliated Programs (UAPs) to implement collaborative efforts to enable Head Start to more effectively serve children with severe disabilities. The Resource Access Projects (RAPs) may facilitate this collaboration and serve as a bridge between Head Start grantees and the UAPs. The collaboration should result in training and resource materials delineating strategies to enable other Head Start programs to replicate successful approaches to better serve children with severe disabilities. Because the RAPs are knowledgeable about Head Start and its mandate to provide services to children with disabilities, the RAPs may serve as a valuable resource to the Head Start grantees and the UAPs in designing the collaboration.

*Background Information:* Head Start serves children from age three to the age of compulsory school attendance and Parent Child Centers (PCCs) serve children from birth to age three. The parent is the primary agent used to foster children's development in both programs. Although Head Start has been successful in serving children with disabilities, staff and parents need further training in how Head Start might more effectively foster the development of children with severe disabilities.

The University Affiliated Programs (UAPs) are a national network of programs which provide interdisciplinary training for personnel and identify future research needs regarding children and adults with disabilities. UAPs have extensive experience in providing training. Historically, most of the UAP training has taken place at the UAP. Several UAPs have formed relationships with Head Start grantees and currently provide training for Head Start staff to increase their capacity to serve children with disabilities. This priority area provides an opportunity for UAPs to

further build on their relationships with Head Start as well as to expose more Head Start programs to the expertise of UAPs.

*Minimum requirements for Program Design:* In order to compete successfully under this priority area, the applicant should:

- Describe the design of the project to be implemented, including the nature of the collaboration that would be established; the training design that would be employed (the majority of the training must be provided on-site at the Head Start program); and, when appropriate, how the training would include the use of assistive technology.

- How children with more severe disabilities would be recruited; what support and consultation would be made available to the Head Start program to serve these children; and the strategies to be employed for the continued provision of services to children with severe disabilities after the conclusion of the project.

- Describe the combined expertise and specify the commitment of staff time and other resources by the Head Start grantee and the UAP to provide training to Head Start teachers, aides, and parents to enable them to work more effectively with children with severe disabilities.

- Document the collaboration between the Head Start grantee (or PCC) and the UAP in both the design and implementation of the project.

- Describe how family involvement would be fostered in the development and implementation of the Individual Education Plan for preschoolers and the Individual Family Service Plan for infants and toddlers.

- Specify collaborative activities that would be established with other related public and private agencies (State Developmental Disabilities Councils, Protection and Advocacy Agencies, title V (formerly Crippled Children's Services), and local affiliates of organizations such as United Cerebral Palsy or the Association for Retarded Citizens, community mental health centers, local education agencies, and others).

- Describe how other sources of special assistance or related services for which the children or programs are eligible would be located and used such as title V, Medicaid, EPSDT, third party insurers or donated volunteer assistance.

- Describe the types, numbers and levels of disability for the children currently being served by the Head Start grantee(s) as well as the target number of children that would be enrolled under

the proposed project, by type of disability.

- Describe the levels of disability of the children that would be served under this collaboration.
- Document that the goal of the project would be to provide services for children with disabilities in the least restrictive environment.
- Provide assurances that a final report would be developed which would describe the strategies employed which proved effective as well as those which failed and how special services were accessed and used.
- Provide assurances that the project director or another key project person would attend one 2-3 day grantee meeting in Washington, DC each project year.
- Describe one of the two following approaches that would be implemented to evaluate the project's effectiveness:
  - (1) Arrangements with a local university to conduct the evaluation; or
  - (2) Securing the services of a consultant with training and experience in research and evaluation to conduct the evaluation.
- Describe the evaluation that would be implemented, including the outcomes that would be measured, the evaluation design to be employed, and how the data would be analyzed. No less than 15 percent of the total project budget shall be set aside for the evaluation each year.
- Describe the report and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.
- Provide vitae for the key staff and for the person(s) who would be involved in the evaluation.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$50,000 for the first 12-month budget period or a maximum of \$150,000 for a 3-year project period.

*Matching Requirements:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$150,000 is \$37,500 for a 3-year project period. This constitutes 20 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 3 projects will be funded.

*CFDA:* 93.600 Head Start: Head Start Act, as amended.

1.07 Immunization for Younger Siblings of Head Start Children

*Eligible Applicants:* Head Start grantees in collaboration with a public or private nonprofit health provider; and public and private nonprofit health providers in collaboration with Head Start grantees.

*Purpose:* To demonstrate effective models for immunizing the younger siblings of Head Start children. These projects will work in collaboration with other Federal, State, and local programs as well as private providers to improve access to immunization services for infants and toddlers in Head Start families.

*Background Information:* Protection against preventable diseases continues to present a major challenge to both public and private health care providers. The American Academy of Pediatrics estimates that, nationally, only 70 percent of 2 year olds have received their required immunizations. This lack of protection in this country has led to rising numbers of cases of measles and other preventable diseases such as whooping cough. More than half of the measles cases occurred in unvaccinated preschool children, and an estimated 80 percent of the cases in children 18 months to 5 years old could have been prevented by timely vaccinations, according to the National Vaccine Advisory Committee. The Head Start program is in a unique position to assist in efforts to reach infants and toddlers who might otherwise be unlikely to receive needed immunization services. Many of the younger siblings of Head Start children who will be aided by projects funded under this priority area may themselves become Head Start enrollees in the future. Proper immunizations will improve these children's health by the time they enter Head Start.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Indicate an understanding of the nature of the problems and major barriers faced in delivering immunizations services to low-income families.
- Substantiate the need for the proposed project in the community to be served, using available statistics on the immunization rate of preschool children.
- Describe how the proposed project would collaborate with other Federal, State, and local programs to implement effective strategies for improving access to immunization services such as the use of the local health department or the local Healthy Mothers/Healthy Babies coalition.
- Describe what immunization service delivery efforts are available in

the community and how this project would enhance these efforts.

- Provide letters of commitment from local Head Start program(s) or health providers to participate in the project, including descriptions of how they would be involved.

- Describe where the immunizations would take place and who would pay for them.

- Describe one of the two following approaches that would be implemented to evaluate the project's effectiveness:

(1) Arrangements with a local university to conduct the evaluation; or

(2) Securing the services of a consultant with training and experience in research and evaluation to conduct the evaluation.

• Describe the evaluation plan that would be implemented, the outcomes that would be measured and the evaluation design that would be employed, including the measures to be used and how the data would be analyzed. No less than 15 percent of the total project budget shall be set aside for the evaluation each year.

• Provide vitae for the key program staff and for the person(s) who would be involved in the evaluation.

• Describe the report and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

*Project Duration:* The length of the project must not exceed 17 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$50,000 for the 17-month project period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$50,000 is \$12,500 for a 17-month project period. This constitutes 20 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 7 projects will be funded.

*CFDA:* 93.600 Head Start: Head Start Act, as amended.

1.08 Assisting Settled-Out Migrant Families

*Eligible Applicants:* Migrant Head Start grantees in partnership with regionally-funded Head Start grantees or regionally-funded Head Start grantees in partnership with Migrant Head Start grantees.

*Purpose:* To demonstrate the effectiveness of providing transitional services for families settling out of the migrant stream who are still eligible for Head Start services.

**Background Information:** Within Migrant Head Start programs, there are many families which have decided to settle-out of the migrant stream and, therefore, are no longer eligible for Migrant Head Start services. In most cases these families are still income eligible for Head Start, although regular Head Start programs often do not recruit them. In addition, non-migrant Head Start programs also may lack knowledge of the lifestyles and culture of these former migrant families.

With the guidance and support of Migrant Head Start grantees, local non-migrant Head Start programs could serve as bridges in helping families settling-out of the migrant stream achieve self-sufficiency in their new communities. With the help of Migrant Head Start programs, local Head Start program services in these communities could assist in the child's transition to a new Head Start program or to public school as well as assist the family in accessing local resources such as housing, social services, employment, and bilingual services.

**Minimum Requirements:** In order to compete successfully under this priority area, the applicant should:

- Indicate knowledge of and experience in working with communities where migrant families are settling out of the migrant stream.
- Provide letters indicating clear commitment to participate in the project from both the Migrant and non-migrant Head Start programs. The local Head Start programs must express a willingness to learn more about migrant families, recruit migrant children, and assist in locating and providing services to these families.
- Include letters from local social service agencies that they would cooperate and assist in the proposed project.
- Describe the process which would be used to assist families in the transition to new communities, including the process that would be used to secure needed services for those families.
- Provide assurances that the director of the project or another appropriate staff member would attend an annual 2-3 day meeting in Washington, DC to meet with staff from other projects funded under this priority area.
- Describe one of the two following approaches that would be implemented to evaluate the project's effectiveness:
  - (1) Arrangements with a local university to conduct the evaluation; or
  - (2) Securing the services of a consultant with training and experience in research and evaluation to conduct the evaluation.

• Describe the evaluation plan that would be implemented, including the outcomes that would be measured and the evaluation design that would be employed which includes comparison groups, the measures to be used and how the data would be analyzed. No less than 15 percent of the total project budget shall be set aside for the evaluation each year.

• Provide vitae for the key program staff and for the person(s) who would be involved in the evaluation.

• Describe the report and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

**Project Duration:** The length of the project must not exceed 36 months.

**Federal Share of Project Costs:** The maximum Federal share is not to exceed \$50,000 for the first 12-month budget period or a maximum of \$150,000 for a 3-year project period.

**Matching Requirements:** The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$150,000 is \$37,500 for a 3-year project period. This constitutes 20 percent of the total project budget.

**Anticipated Number of Projects to be Funded:** It is anticipated that 3 projects will be funded.

**CFDA: 93.600 Head Start: Head Start Act, as amended.**

Children's Bureau

#### 1.09 Professional Education for Public Child Welfare Practitioners

**Eligible Applicants:** Institutions of higher education with accredited social work programs or other bachelor or graduate level programs leading to a degree relevant to work in child welfare.

**Purpose:** To develop and/or strengthen the training of public child welfare staff through the provision of critical information and the development of skills which impact on the problems confronting public child welfare agency clients and through the provision of specific competency-based child welfare training. Trainees will be enrolled as bachelor or graduate level students at schools with accredited social work programs or other bachelor or graduate level programs leading to a degree relevant to work in child welfare. Applicants which did not receive interdisciplinary training grants in fiscal years 1991-1992 will be given priority for funding.

**Background Information:** Because of the increasingly complex nature of the

problems affecting vulnerable children and their families, the public child welfare services delivery system is hard-pressed to hire and retain staff with the needed competencies. Recent university training programs for social work have been weak in two major areas: First, many curricula have included few child welfare courses. This limits the value of these graduates to child welfare agencies in terms of being able to meet the complex needs of the client populations served by these agencies. Second, opportunities for students to obtain traineeships in public child welfare agencies are very limited and often are unappealing, in part because of the limited number of professional agency staff to supervise these students. This reduces the value of the preparation students receive for any subsequent employment in these agencies. It also reduces the likelihood that they will seek employment in public agencies.

Competency-based child welfare training is training to learn the specific knowledge and skills necessary to provide child welfare services in a public child welfare agency.

Competency-based training emphasizes the practical realities which public child welfare workers confront in their day-to-day work. Staff need to know how to deal with the multiple problems of clients affected by poverty, to encourage and assist clients to be responsible parents, to reunify families, to cope with the results of drug use and to deal with complex court procedures.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Describe who the students would be (bachelor and/or graduate level); how many are expected to be trained over the life of the project; the criteria for the selection of students; how the students would be recruited; and the strategy which would be used to insure that students work in public child welfare after graduation.

- Describe the curriculum, including course titles that would be utilized. Indicate which are child welfare courses.

- Describe the strategies that would be used to place students in public child welfare agencies as part of their training. Specify the type of supervision which would be provided including the professional qualifications of the supervisory staff.

- Describe the strategies which would be used to recruit trainees, with a particular emphasis on racial and ethnic minorities.

- Include a plan for evaluation which, at a minimum, includes measures of effectiveness of the training and a follow-up of students to determine their subsequent employment in public child welfare agencies.

- Describe the final report and/or other products, such as curricula or training modules, that would be developed under the project, including the types of information that would be presented, and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

- Describe plans for offering traineeships with the grant funds and the criteria to be used in awarding traineeships. A minimum of two-thirds of the funds shall be used for traineeships.

- Include in the project budget funds for at least one key staff person from the university and one key staff person from the public child welfare agency to jointly attend a one-day orientation meeting in the HHS Regional Office shortly after the award of the grant and a two to three day annual grantee meeting in Washington, D.C.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$75,000 per 12-month budget period. A traineeship may not exceed \$7,500 per student, per budget year.

*Matching Requirement:* No matching funds are required for the portion of the budget which pays for traineeships. A 25 percent match is required for all other project costs. Because this is a training grant, indirect costs for this training project shall not exceed 8 percent.

*Anticipated Number of Projects to be Funded:* It is anticipated that 26 projects will be funded.

*CFDA: 93.648 Child Welfare Training Grants: Section 426 of the Social Security Act, as amended.*

#### 1.10 Child Welfare Training Conferences and Coordination

*Eligible Applicants:* Institutions of higher education with degree programs relevant to the field of child welfare.

*Purpose:* To conduct conferences, promote information sharing, and bring faculty and agency administrators together in cooperative activities, in order to make undergraduate and graduate education more relevant for child welfare agency staff.

*Background Information:* While there once was a high degree of collaborative activity between universities/colleges and child welfare agencies, this is no longer generally true. A large majority of public child welfare agency staff have

had no university or college-based training in child welfare. In addition, existing university/college curricula have insufficient content applicable to current child welfare practice.

Nonetheless, there is considerable interest on the part of many schools and agencies to re-establish cooperative efforts to raise the quality of child welfare staff. In April 1991, Florida International University, under a grant from ACYF with additional funds from other collaborating organizations, conducted a symposium in Arlington, Virginia. Faculty and agency administrators from approximately 40 States and several national organizations met to address the staffing crisis and the need for relevant curricula to enable competent practitioners to move into public child welfare. Over 200 faculty and public agency staff attended. Child welfare services and staffing issues were addressed and strategies for instituting collaboration discussed. The symposium was the beginning of a major capacity building effort involving a large coalition of organizations nationwide. Although this symposium was very successful, much additional work is needed.

*Minimum Requirements for Project Design:* This is a two year cooperative agreement project in which substantial Federal involvement is anticipated. This project will arrange for two annual conferences, possibly with additional regional meetings, and serve as a conduit for information sharing and coordination among and between universities/colleges and agencies. The amount of cooperative effort on the part of diverse interests and geographically scattered organizations will require careful ongoing coordination. The specific respective responsibilities of Federal staff and the awardee will be negotiated prior to the cooperative agreement award. In order to compete successfully under this priority area, the applicant should:

- Outline a plan of interaction with ACF for implementation of the project under a cooperative agreement including, as appropriate, activities involving Headquarters and Regional office staff.

- Describe in general terms the content and quality of current graduate child welfare training courses (including direct services and management administrative courses) and the current level of education of child welfare agency staff.

- Provide an overview of existing training materials available for use by universities/colleges for persons in, or planning to enter, child welfare agencies.

- Provide a plan for identifying additional training materials needed to adequately train staff for working with current agency clientele, and include recommendations for needed further development and utilization.

- Describe the conferences that would be held including purpose, location, time and intended participants.

- Describe how new technologies such as teleconferencing would be used to allow for participation of a larger group of people.

- Describe the reports and/or other products that would be developed under the project, including the types of information that would be presented, and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

- Describe in detail a plan for facilitating information sharing among and between universities/colleges and public child welfare agencies.

- Describe current known existing networks of universities and colleges, child welfare administrators and other relevant organizations with specific plans regarding how these would be expanded and utilized, and include letters of commitment from these networks to participate in the project.

- Provide assurances that at least one key staff person would attend a two to three day annual grantees meeting in Washington, DC.

*Project Duration:* The length of the project must not exceed 24 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$100,000 per 12-month budget period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$200,000 is \$66,667 for a 2-year project period. This constitutes 25 percent of the total project budget. Because this is a training project, indirect costs shall not exceed 8 percent.

*Anticipated Number of Projects to be Funded:* It is anticipated that 1 cooperative agreement will be funded.

*CFDA: 93.648 Child Welfare Training Grants: Section 426 of the Social Security Act, as amended.*

#### 1.11 Achieving Permanency for Children in Relative Foster Care

*Eligible Applicants:* Public child welfare agencies in cooperation with private foster care and adoption agencies and/or university and social service research organizations in cooperation with public and private foster care and adoption agencies.

*Purpose:* To increase the adoption of children in relative foster care and to

study the barriers to such adoptions within the foster care and adoption systems.

**Background Information:** Relative foster care, also called kinship foster care, has become increasingly common. Information about these placements is limited, but there is general agreement that children placed with relatives are not returned to their parents or placed in permanent homes as quickly as children in non-relative homes. (See: *Issues in Relative Foster Care*, Office of Inspector General, DHHS, October 1991.) In addition to the limited use of adoption, agencies are concerned about the appropriate level of supervision, the appropriate certification standards for the relative's home, the permanency goals for the children, and the disparity between AFDC support payments available to relatives and those allowed under foster care and adoption assistance.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Demonstrate access to an adequate number of children (more than 100) who have already been placed with relatives for more than one year.
- Provide letters of commitment in the application from both foster care and adoption agencies or divisions of these agencies indicating that they would actively participate in the review of cases and assist in the development of criteria for the selection of demonstration cases.
- Specify a plan for the review of cases and the criteria that would be employed in determining the appropriateness of moving to adoption, including the requirement that children selected must be those for whom reunification with birth parents is not possible.
- Propose to develop and test effective methods for moving the case toward an alternative permanent goal, e.g. adoption by relatives currently acting as foster parents; adoption within the kinship group, that is, by other appropriate family members; non-subsidized legal guardianship to a relative; or adoption by non-relatives.
- Identify existing barriers within the system which prevent or inhibit the increase of adoptions, or other permanent arrangements as specified above. Barriers may include, but are not limited to, agency and court practices; regulations and policies at the State and Federal level; lack of appropriate knowledge concerning the orientation of relatives to the values of legal adoption; and attitudes, beliefs and values of agency staff, as well as the values,

economic status and other circumstances of relatives which may inhibit or delay the movement of children into permanent adoptive homes or other permanent arrangements.

- Specify a plan for evaluating the effectiveness of the various approaches to facilitating the movement from relative foster care to adoption or other permanent care. The evaluation plan must identify a qualified person from a university or agency research unit who would be a member of the demonstration staff. This person would assist in developing: Criteria for case identification; research instruments for the study; and methodology for data collection, including determining an adequate sample size at each stage of the demonstration.
- Provide assurances that at least one key staff person would attend the annual three-day Adoption Opportunities grantees meeting in Washington, DC.

- Provide assurances and documentation that the project would be fully staffed and implemented within 90 days of the notification of the grant award.

- Describe the reports and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

**Project Duration:** The length of the project must not exceed 36 months.

**Federal Share of Project Costs:** The maximum Federal share is not to exceed \$150,000 for the first 22 month budget period or a maximum of \$450,000 for a 3-year project period.

**Matching Requirement:** The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$450,000 is \$150,000. This constitutes 25 percent of the total project budget.

**Anticipated Number of Projects to be Funded:** It is anticipated that 5 projects will be funded.

**CFDA: 93.808 Child Welfare Research and Demonstration:** Section 426 of the Social Security Act, as amended.

#### 1.12 Assistance for Children in Residential Group Care to Obtain Permanent Homes

**Eligible Applicants:** Public child welfare agencies administering title IV-B and IV-E programs, or private child welfare agencies under contract to the public child welfare agency to provide services (but not residential care), or universities in collaboration with the public child welfare agency.

**Purpose:** To develop a model program for use by child placing agencies which identifies and moves children from residential group child care into their own or adoptive families.

**Background Information:** While permanency planning concepts for reunification and adoption generally have been incorporated into family foster care programs, there are indications that the incorporation of these concepts is less prevalent in residential child care. However, with effective services, children in residential care can be prepared to live in families and to have permanent homes of their own. In addition to returning children to their own families, projects would directly provide adoptive homes for children who might otherwise stay in residential child care longer than necessary. These activities would also help reduce costs and free needed residential care resources for other children.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Identify and describe existing barriers to the reunification and adoption of the children they have placed into residential group care as well as children placed in these programs by other agencies; the number of children and families they expect to serve; and the geographic location of the children and families.

- Describe the cooperation needed from other organizations, including residential group care programs and juvenile courts, and provide letters of commitment from those organizations.

- Describe how permanency resources would be developed and utilized, including the family reunification and adoption preparation services that would be provided.

- Describe plans for the development or identification of assessment tools to evaluate children's readiness to leave group care for family care, activities to facilitate their readiness, and policies and procedures needed to assure implementation.

- Describe the aftercare and post-legal adoption services that would be provided.

- Describe the training that would be provided to agency staff and group care providers and how the permanency planning program would be developed.

- Identify a third party evaluator for the project and include a description of the proposed design that would be employed to evaluate the project's effectiveness.

- Describe the reports and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

- Document and describe how the project would be an ongoing part of the agency program following the termination of Federal funding and the steps the agency would take to accomplish this.

- Provide assurances that at least one key staff person from the project would attend an annual two to three day grantees meeting in Washington, DC.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$150,000 per 12-month budget period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$450,000 is \$150,000 for a 3-year project period. This constitutes 25 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 2 projects will be funded.

*CFDA: 93.608 Child Welfare Research and Demonstration:* Section 426 of the Social Security Act, as amended.

#### 1.13 Adoptive Placement of Foster Care Children

*Eligible Applicants:* Eligibility is limited to State social service agencies.

*Purpose:* To develop programs which will assist States in their efforts to increase the adoption of foster children legally free for adoption according to a pre-established plan and goals for improvement.

*Background Information:* Title II of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended, authorizes the funding of grants to States to improve adoption services for the placement of special needs children legally free for adoption. Children in foster care who are free for adoption, particularly children with special needs, do not always move smoothly through the child welfare system into placement with a permanent family.

States have received grants to make systemic changes in their adoption programs; to obtain computer hardware, software and fees for membership in the National Adoption Network; and to develop a consortium of nine States with large numbers of children in care in order to share knowledge to improve and enhance their special needs adoption programs and to increase the

placement of children residing in those States. More than half of the States have received grants to improve adoption services; however, only a small number have been able to sustain these efforts.

Increasingly, children entering foster care have more complex problems which require intensive services. Permanent families must be continuously recruited and prepared to parent the growing population of children who cannot return to their birth families. Supportive services must be added or improved so that the children in foster care who are legally free for adoption can move into adoptive placement in a timely manner. Further, agencies must commit resources for the ongoing support of adoptive families not only at placement, but also after legalization of the adoption. Past projects have demonstrated that greater improvements in placing these children are achieved when permanent plans are made and carried out very early in the placement; when there are sufficient trained and experienced staff; and when there are available resources and administrative commitment to adoption and to coordinated community-based efforts.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Identify and verify the number of foster care children in the area to be served who are legally free and waiting for adoptive placement.

- Provide and verify the rate of placement of foster care children placed in adoption in the year preceding the application (the rate of placement is the number of children placed divided by the number of children waiting for adoption).

- Describe the methods that would be employed to increase the rate of placement of foster care children into adoption and the goals for improvement to be achieved during the period of the grant.

- Describe how the proposed improvements, if successful, would be continued in the absence of Federal funds.

- Propose and describe an evaluation component which focuses on the innovations used to improve the placement of children who are legally free for adoption and which addresses the successes and failures of the initiative. The evaluation should include the collection and analysis of data to determine placement rates and the types of clients served (e.g., waiting children, prospective adoptive families). Data should be collected to determine the availability of adoptive families during

the program period. The evaluation should also include descriptive information on the processes and procedures used in implementing the project. This information should be used to assess placement rates and the success or failure of the innovative program methodologies used.

- Provide assurances that at least one key staff person would attend the annual three-day Adoption Opportunities Grantees Meeting in Washington, DC.

- Describe the reports and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

*Project Duration:* The length of the project must not exceed 12 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$100,000.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$100,000 is \$33,333. This constitutes 25 percent of the total annual project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 2 projects will be funded.

*CFDA: 93.652 Adoption Opportunities: Title II of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.*

#### 1.14 Recruitment and Retention of Adoptive Parents for Minority Males

*Eligible Applicants:* Local or State child welfare agencies, private nonprofit child placement agencies, and organizations in conjunction with child placing agencies.

*Purpose:* To develop and test innovative models for recruiting and retaining adoptive families for minority males, especially Black males, using culturally sensitive interventions.

*Background:* Policy makers, social workers, and child welfare agencies and organizations increasingly express concern over the plight of minority males growing up in the child welfare system. In many instances, these youth are unable to return to their biological parents. Many are in foster family homes, group homes or institutions, and large numbers of them are not being prepared for independent living or encouraged to further their educational goals.

Not only are minority children overrepresented in the child welfare system, but Hispanic, Black and Native

American children also have a higher out-of-home-placement rate and remain in care longer. Much attention has been focused on the recruitment of adoptive families for these minority youth; however, follow-up services to families beyond the recruitment stage are often minimal. Many families that are recruited drop out of the process or are screened out before the placement of a child.

The concern for minority males has been expressed in numerous focused efforts. The Department of Health and Human Services has implemented a Minority Male Initiative which is being conducted throughout the Department. In FYs 1990 and 1991, funds were available through the Department to support grants for conferences on minority male service issues and for the development of community coalitions to meet the health and human service needs of minority males. Likewise, some States are currently addressing the unique problems faced by minority males. For example, the State of Maryland created a Commission on Black Males to address problems in education, health, employment and criminal justice. In Virginia, a Commission on African-American Males was created to propose solutions to problems facing young Black males.

Social and fraternal organizations are making efforts to reach minority males through mentor programs and by providing role models for deprived youth. Minority males in the child welfare system need skilled workers who understand them and their culture and who are capable of providing culturally sensitive services not only to these youth, but also to prospective adoptive parents.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Identify and describe existing barriers to minority male adoption in the locale where the project would be implemented with a particular focus on the barriers that exist beyond the recruitment stage of the process; the number of minority males awaiting adoption in the locale; and the number of placements anticipated as a result of the project.

- Describe a plan for recruiting adoptive parents and placing minority male children which addresses all potential parent groups, including single parents (male/female) and older individuals or couples, and for providing supporting services after the adoption.

- Describe collaborative efforts with community groups or other social service agencies that would be

established to carry out the goals of the project, including the types and amount of participation, and provide letters of commitment from these groups.

- Describe collaborative efforts, if any, that would be undertaken with the National Resource Center for Special Needs Adoption.

- Provide for a third party independent evaluation of the project designed to assess its effectiveness in placing minority males who are legally free for adoption. The evaluation should include the collection and analysis of data to determine placement rates and the availability of adoptive families during the project period.

- Describe how the project would continue after Federal funding ends.

- Provide assurances that at least one key staff person would attend the annual three-day Adoption Opportunities grantees' meeting in Washington, DC.

- Provide assurances that the project would be staffed and implemented within 90 days of the notification of the grant award.

- Describe the reports and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

*Project Duration:* The length of the project must not exceed 24 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$150,000 per 12-month budget period.

*Matching Requirements:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$300,000 is \$100,000. This constitutes 25 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 5 projects will be funded.

*CFDA: 93.652 Adoption Opportunities:* Title II of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.

#### 1.15 Recruitment of Military Families for the Adoption of Special Needs Children

*Eligible Applicants:* Public or private non-profit, licensed child welfare or adoption agencies.

*Purpose:* To develop resources for recruiting military families to adopt children with special needs.

*Background Information:* Over the past 12 years ACF, through the Administration on Children, Youth and Families, has been actively involved in publicizing the plight of waiting special

needs children and the need to recruit and process families who may be interested in becoming parents to these children. Funding has been provided to States to recruit potential adoptive families as well as to establish a pool of waiting families for identified groups of children. Families responded to these recruitment campaigns, and many placements resulted. Military families were not specifically targeted; however, social service workers and adoptive parents report that these families represent an excellent resource for children with special needs. These families have experienced difficulties in working with local agencies because of the mobility inherent in military service.

ACF is interested in supporting efforts to develop models for the recruitment of military families as a placement resource. To achieve this purpose, it is necessary for agencies to identify strategies for targeting resources, to develop effective strategies for reaching these families and to follow them through the adoptive process. Adoptive parent groups, schools, and churches are available to assist social service agencies in publicizing the need for adoptive families.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Describe the need for the project and the number of families that would be recruited.

- Describe the collaboration that would be established between State and local social service agencies and military social services.

- Describe the special training that would be provided agency staff; the recruitment methods that would be used; and the plan for executing interstate placement.

- Provide for a third party to conduct an independent evaluation of the project and include a description of the proposed design that would be employed to evaluate its effectiveness.

- Describe the reports and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and provide the utilization of project products and findings.

- Provide assurances that at least one person from the project would attend the annual three-day Adoption Opportunities grantees meeting in Washington, DC.

- Provide assurances and document that the project would be staffed and

implementation begun within 90 days of the notification of the grant award.

**Project Duration:** The length of the project must not exceed 24 months.

**Federal Share of Project Costs:** The maximum Federal share of the project is not to exceed \$125,000 per 12-month budget period.

**Matching Requirement:** The matching requirement in proportion to the maximum Federal share of \$250,000 is \$83,333. This match represents 25 percent of the total project budget.

**Anticipated Number of Projects to be Funded:** It is anticipated that 5 projects will be funded.

**CFDA: 93.652 Adoption Opportunities:** Title II of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.

**1.16 Recruitment of Rural Families for the Adoption of Special Needs Children**

**Eligible Applicants:** Public or private non-profit licensed child placement agencies.

**Purpose:** To recruit and develop a pool of adoptive families in rural communities for children with special needs.

**Background Information:**

Considerable effort has been devoted to the recruitment of prospective adoptive families by child welfare workers. Workers, however, sometimes avoid placing older children from urban communities in rural areas because of the limited services available to adoptive families and the fear that urban children will have difficulty adapting to a rural community.

ACF believes that many rural families could be recruited for adoption if adoption programs were adapted to meet the needs of the families by refining the adoption process; helping the families obtain required documents (marriage/divorce records, etc.); establishing an office in close proximity to the families; and expediting the process between approval of the family and placement of a child.

**Minimum requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Describe the geographical area that would be targeted in terms of its distinctive features, the basis for its selection, and the service delivery system that is available within the targeted area or the plan for the development of such a system if none exists.

- Project and discuss the number of families that would be recruited, the special recruitment techniques which could be used in rural areas and the

plan that would be employed in serving interested families.

- Describe the culturally sensitive family preparation process that would be used to prepare prospective families; and the efforts that would be undertaken by the agency to "screen in" rather than "screen out" potential adoptive families, taking into consideration family values and cultural norms as well as organizational systems such as churches and social and civic organizations and their roles in working with the project.

- Describe the changes that would be made in staff training, agency policies and requirements in order to respond to the needs of the population of children and prospective adoptive parents to be served.

- Describe the services that would be provided to urban children to assist with their adjustment to a rural community.

- Describe how services would be structured to ensure that fees (services and legal) do not act as a barrier for any family.

- Provide for a third party to conduct an independent evaluation designed to assess the effectiveness of the project in recruiting rural families for the adoption of children with special needs.

- Provide assurances that at least one key staff person from the project would attend the annual three-day Adoption Opportunities grantees meeting in Washington, DC.

- Provide assurances that the project would be staffed and implemented within 90 days of the notification of the grant award.

- Describe how the project would continue beyond termination of Federal funding.

- Describe the reports and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

**Project Duration:** The length of the project must not exceed 24 months.

**Federal Share of Project Costs:** The maximum Federal share of the project is not to exceed \$125,000 per 12-month budget period.

**Matching Requirements:** The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$250,000 is \$83,000. This constitutes 25 percent of the total project budget.

**Anticipated Number of Projects to be Funded:** It is anticipated that 5 projects will be funded.

**CFDA: 93.652 Adoption Opportunities:** Title II of the Child Abuse Prevention,

Adoption and Family Services Act of 1988, as amended.

**1.17 Adoptive Parent Groups as Partners in the Adoption of Special Needs Children**

**Eligible Applicants:** Voluntary or public social service agencies, adoption exchanges, or other national, regional or statewide adoption-related organizations.

**Purpose:** To utilize adoptive parent groups to support families adopting children with special needs.

**Background:** Through the years, adoptive parents have aggressively promoted the adoption of children with special needs. As consumers of adoption services, these parents bring to the adoption field a special perspective of both the children to be served and the agencies that serve them. They have been effective advocates for children and have challenged the term "unadoptable" by demonstrating that children with special needs can be placed with families of their own. The 600 existing adoptive parent organizations, comprised of volunteers, have limited funds to develop projects on behalf of children with special needs. Support for these groups is important, because historically they have been productive and successful in the activities they pursue. These activities have included information and referral services, recruitment and orientation for prospective adoptive parents and work with social service agencies to support families following placement and legalization. With additional support, new groups can be established, existing groups strengthened and needed services developed.

**Minimum Requirements:** In order to compete successfully under this priority area, the applicant should:

- Document that the applicant organization has the capability to assist local or State adoptive parent groups to work with child welfare agencies.

- Describe the process that would be used in developing new adoptive parent groups, especially minority groups, and the number of new groups to be developed.

- Describe a plan for awarding subgrants, not to exceed \$5,000 each, to incorporated non-profit local or State adoptive parent groups to work with child welfare agencies and adoptive families, including pre- and post-adoption services.

- Discuss the methods that would be used to request proposals from parent groups to focus on special needs adoption problems or issues.

- Provide assurances that at least one key staff person would attend the

annual three-day Adoption Opportunities grantees' meeting in Washington, DC.

- Provide assurances that the project would be fully staffed and implemented within 90 days of the notification of the grant award.

*Project Duration:* The length of the project must not exceed 17 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$85,000 for a 17-month project period.

*Matching Requirements:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$85,000 is \$28,333. This constitutes 25 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 5 projects will be funded.

*CFDA: 93.652 Adoption Opportunities: Title II of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.*

#### 1.18 Assistance to States to Improve Adoption Data

*Eligible Applicants:* Units of State government which have access to information on adoption. Generally, these include departments of social services, offices of vital statistics and offices of court administrators. No county or city agency may apply. Only one grant will be awarded per State. States other than DE, ME, MN, NV, NH, NJ, NC, OK, RI, VA, WA and WI (States which received funding in FY 1991) are eligible.

*Purpose:* To provide funds to meet the one-time or short-term expenses associated with State activities designed to improve the collection and reporting of data on all adoptions within the State, not simply on the adoption of children under the care and responsibility of the State department of social services.

*Background:* ACF has been encouraging the States to develop coordinated efforts to improve the collection and reporting of data on all types of adoptions for a number of years. Many States have also expressed interest in participating in the voluntary portion of the adoption data collection system described in the "Notice of Proposed Rulemaking on Data Collection for Foster Care and Adoption" that was published in the *Federal Register* on September 27, 1990.

The National Center for State Courts (NCSC), through a grant from the Administration on Children, Youth and Families, has offered technical assistance to various State governmental units and is currently providing telephone and on-site

technical assistance to help States improve their adoption data collection and reporting systems. Examples of the types of technical assistance being provided by the National Center for State Courts are: facilitating coordination among the various agencies within each State; identifying problems with matching adoption data elements from different sources within States; assessing the capability of existing hardware and software; and providing the information to legislative bodies or courts required to change laws, regulations or court rules to permit the exchange of adoption data among agencies. However, in addition to this assistance, States which want to improve their data collection and reporting on all adoptions and to participate in the voluntary portion of the adoption and foster care reporting system may have other needs which cannot be met by NCSC or through current State budgets. These would include the purchase of computer hardware and software, development of software, hiring short-term employees, or engaging consultants to help in the resolution of highly technical computer issues. Grants awarded under this priority area should be used for these and related purposes. Potential applicants are encouraged to seek consultation on their needs for assistance from Victor E. Flango, Ph.D., Project Director, National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia 23187-8798, (804) 220-0449.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Describe how the unit of State government applying for assistance would coordinate its efforts with other relevant units of the State government.
- Describe how the funds would be used to facilitate the collection and reporting of data on all adoptions within the State. The application should describe the hardware or software which would be purchased, the type of consultation which would be obtained, or other specific uses which would be made of the funds and provide justification of the need for and appropriateness of such assistance.

- Discuss why State funds are not being used for these purposes.

- Describe the difference that the receipt of this assistance would make in terms of the speed with which data on all adoptions would be collected and reported.

*Project Duration:* The length of the project must not exceed 6 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$10,000 for a 6-month project period.

*Matching Requirement:* There is no matching requirement.

*Anticipated Number of Projects to be Funded:* It is anticipated that 10 projects will be funded.

*CFDA: 93.652 Adoption Opportunities: Title II of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.*

#### 1.19 Field Initiated Proposals to Improve Adoption Services to Children with Special Needs

*Eligible Applicants:* State, regional or local public child welfare or adoption agencies and voluntary child welfare or adoption agencies or organizations. Voluntary agencies which apply should coordinate their applications with relevant public agencies.

*Purpose:* To improve adoption services to children with special needs through activities which are not addressed elsewhere in this announcement. This priority area provides public and voluntary agencies and organizations involved in the adoption process with an opportunity to present innovative ideas for improving child welfare and adoption systems.

*Background Information:* Public child welfare workers who provide adoption services are overburdened because of a shortage of staff and an increasing child welfare caseload. In many public agencies, the adoption staff are expected to provide services not only to children with special needs and their potential adoptive families, but also to families requesting independent, intercountry and other types of adoption. This places substantial burdens on the limited adoption agency resources which are needed to serve the special needs population.

At any given time, approximately 30,000 children are legally free for adoption. Minority children continue to be over represented among this group. Older children and sibling groups also continue to present unique challenges. Other sub-populations, such as drug-exposed infants, will be or are currently testing the capacity of adoption programs. Innovative efforts, embodying the spirit of public-private partnerships, are needed to provide permanent adoptive homes to all waiting children.

Because there are so many different issues that face the public and voluntary sectors, ACF is requesting field initiated proposals that address areas most problematic in serving children with special needs for whom adoption is the plan. These proposals must be

innovative and cannot be a replication of a previous project or be responsive to other priority areas in this announcement.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Describe the agency's current adoption program and the specific problem(s) that would be addressed.
- Describe the approach that would be used to alleviate the problem(s).
- Document that this is a new approach that has not been used before based on a review of the literature and any other relevant sources.
- Provide specific written commitments from cooperating or collaborating agencies, if any.
- Describe the arrangements that would be made to contract with a third party to conduct an independent evaluation of the project, and describe in detail the design that would be implemented. The evaluation should focus on child and family outcome measures (e.g., placement rates, number of children placed, disruption rates).
- Describe how the agency would incorporate successful results of the project into its ongoing program.
- Provide assurances that at least one key person from the project would attend the annual three-day Adoption Opportunities grantees meeting in Washington, D.C.
- Provide assurances that the project would be staffed and implemented within 90 days of the notification of the grant award.
- Describe the reports and/or other products that would be developed under the project, including the types of information that would be presented and the steps that would be undertaken to disseminate and promote the utilization of project products and findings.

*Project Duration:* The length of the project must not exceed 24 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$150,000 per 12-month budget period.

*Matching Requirements:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$300,000 is \$100,000. This constitutes 25 percent of the project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 6 projects will be funded.

*CFDA: 93.652 Adoption Opportunities:* Title II of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.

**1.20 Field Initiated Research in Child Welfare by Recent Recipients of Doctoral Degrees**

*Eligible Applicants:* Universities and four-year colleges applying on behalf of recent recipients of doctoral degrees who are members of the teaching faculty.

*Purpose:* To support pilot research projects initiated by new researchers in the child welfare field. The principal investigator must have a terminal research degree (e.g., Ph.D., DSW, DPH, DPA, MD, etc.), but not be more than five years beyond it at the time of the grant award. No individual who received an award under this priority area in FY 1991 will be eligible for a second grant.

The pilot research projects should be developmental in nature, i.e., they should be designed to lay the groundwork for a continuing research career in the field of child welfare by the investigator. The research topic area should be such that subsequent research activities in the area will inform State and local (public and private) agencies on ways to improve policy, practice, management and evaluation of child welfare programs.

*Background Information:* There is a continuing need in the child welfare field to generate new knowledge to guide the delivery of services to children and their families. Issues need to be raised and research projects developed which challenge assumptions about the nature and the needs of clients, service delivery strategies, and effective policies and practice opportunities for new researchers entering the child welfare field.

Projects could address the range of services which are delivered by public and private child welfare agencies including, but not limited to, services to prevent foster care, foster care, reunification services, independent living, adoption (particularly special needs), and post-adoption services. Projects may also address the development of valid, reliable and appropriate outcome measures for children and their families or measures of service system delivery effectiveness and efficiency. Economic and ethnic issues can also be addressed.

Applicants are encouraged to develop projects which take an original viewpoint and/or propose an innovative methodology.

Projects which are primarily secondary data analyses, research syntheses, or literature reviews, and which are included under other research priority areas in this announcement, will not be supported under this priority area. Research involving demonstration

projects or clusters of such projects will be supported only if the research to be conducted is distinct from the evaluation of these demonstration projects.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Describe the investigator's commitment to research in child welfare and how receipt of this award would contribute to the research career development of the investigator.
- Briefly describe, based on a review of the literature, how the pilot project would lay the groundwork for carrying out a major effort which would fill a critical gap in information needed to improve policy, practice, management and/or evaluation in child welfare programs.
- Describe the overall research design that would be employed in the pilot project including sampling procedures, types of data to be collected, procedures for data collection, measures to be used and plans for data analysis.
- Describe how the information from the pilot project could be used to design a larger, more comprehensive project.
- Describe the strategies that could be implemented in conducting the larger project after the pilot project is completed.
- Describe the reports that would be developed under the project, including the types of information that would be presented, and the steps, including submission for publication to a referred journal, that would be undertaken to disseminate and promote the utilization of project findings.
- Provide assurances that the principal investigator would attend a 2-3 day grantees' meeting in Washington, DC.

*Project Duration:* The length of the project must not exceed 17 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$40,000 for the 17-month project period.

*Matching Requirement:* There is no matching requirement.

*Anticipated Number of Projects to be Funded:* It is anticipated that 2 projects will be funded.

*CFDA: 93.608 Child Welfare Research and Demonstration:* Section 426 of the Social Security Act, as amended.

**1.21 Field Initiated Research in Child Welfare**

*Eligible Applicants:* State or local, public or nonprofit, agencies, universities, organizations or institutions.

**Purpose:** To support innovative projects initiated by researchers in the child welfare field. The research should be designed to inform State and local (public and private) child welfare agencies of ways to improve policy, practice, management and evaluation of child welfare programs.

**Background Information:** There is a continuing need in the child welfare field to generate new knowledge to guide the delivery of services to children and their families. Issues need to be raised and research projects developed which challenge assumptions about the nature and needs of clients, service delivery strategies, and effective policies and practices.

Research topics can include the range of services which are delivered by public and private child welfare agencies including, but not limited to, services to prevent foster care, foster care, reunification services, independent living, adoption (particularly special needs), and post-adoption services. Projects are encouraged which have as their focus child welfare services but which relate them to other ACF programs such as Child Support, Aid to Families with Dependent Children, Job Opportunities and Basic Skills, etc. Projects may also address the development of valid, reliable and appropriate outcome measures for children and their families or measures of service delivery effectiveness and efficiency. Economic and ethnic issues can also be addressed. Applicants are encouraged to develop projects which take an original viewpoint and/or propose an innovative methodology.

Projects which are primarily secondary data analyses, research syntheses, or literature reviews, and which are included under other priority areas in this announcement, will not be supported under this priority area. Research involving demonstration projects or clusters of such projects will be supported only if the research to be conducted is distinct from the evaluation of these demonstration projects.

**Minimum Requirements for Project Design:** In order to successfully compete under this priority area, the applicant should:

- Describe, based upon a review of the literature, how the project would fill a critical gap in information needed to improve policy, practice, management and/or evaluation in child welfare programs.

- Describe the overall research design that would be employed including sampling procedures; types of data to be collected; procedures for data collection; instruments and measurements to be

utilized, adapted or developed, including assessments of their reliability and validity; and plans for data analysis.

- Discuss the scientific merit of the design selected including its strengths and weaknesses as well as the identification of alternative designs which were considered but rejected and the reasons for rejecting them.
- Indicate the ability to gain access to necessary information, data, and clients.
- Describe the reports that would be developed under the project, including the types of information that would be presented, and the steps, including submission for publication to a referred journal, that would be undertaken to disseminate and promote the utilization of project findings.
- Provide assurances that the principal investigator would attend a 2-3 day annual meeting of grantees in Washington, D.C.

**Project Duration:** The length of the project must not exceed 36 months.

**Federal Share of Project Costs:** The maximum Federal share is not to exceed \$125,000 per 12-month budget period.

**Matching Requirement:** There is no matching requirement.

**Anticipated Number of Projects to be Funded:** It is anticipated that 2 projects will be funded.

**CFDA: 93.608 Child Welfare Research and Demonstration:** Section 426 of the Social Security Act, as amended.

**National Center on Child Abuse and Neglect**

On December 11, 1991, a notice soliciting comments on the National Center on Child Abuse and Neglect's (NCCAN) proposed priority areas for FY 1992 was published in the **Federal Register**. A 60-day period was provided to allow the public to comment on the proposed areas. After the review and analysis of these comments, NCCAN is publishing its final priorities.

The NCCAN received 133 written responses. A number of supportive and general comments were provided. These included the importance of research on maltreatment of children and youth with disabilities; a continued focus on issues of ethnic and cultural relevance in studies of child maltreatment; community-wide approaches to prevention programs; and the need for treatment outcome studies. A few comments were made regarding the applicant eligibility criteria, and these have now been expanded to include American Indian and Alaskan Native Tribes as requested. Other comments were made on the review process, the amount and use of discretionary grant funds, and the Tenth National Conference on Child Abuse and Neglect.

Comments were also submitted for each of the seven research and demonstration priority areas, along with recommendations on symposia and additional priority areas.

The responses came from a variety of sources, including the following: The Advisory Board on Child Abuse and Neglect, Members of the House of Representatives and the Senate, a Member of a State legislative body, State and county departments of social welfare and human services, local educational agencies, law enforcement agencies and the judiciary, Children's Trust Funds, child advocacy centers and community agencies for children and families, national, State and local associations and non-profit organizations, universities and students, hospitals, medical centers and mental health services, service providers and practitioners, private citizens, and a foundation. The largest number of responses came from State and county departments of social welfare and human services, followed closely by responses received from universities.

The responses were generally supportive of the seven research and demonstration priority areas and the symposia topics included in the announcement. The largest group of respondents (45) wrote in support of the replication of child advocacy centers; this is specifically included as a topic under the priority area on field initiated demonstration programs to address child abuse and neglect.

To the extent feasible, NCCAN addressed these public comments in preparing its final FY 1992 priority areas. Comments intended to further clarify and focus the priorities were incorporated into the revised descriptions. For example, based on the comments received regarding the need to broaden the definition for research on the non-offending parent of victims of intrafamilial sexual abuse, the focus of this priority area has been expanded to include any perpetrator responsible for the child's welfare, and specifies that all systems involved with the family should be studied for their impact on maternal support. Changes were also made in terminology to reflect the comments received.

Based both on the need identified by the field and on comments received from members of the U.S. Senate, an additional priority area was added on training for model community-based programs on child sexual abuse treatment that integrate self-help. Limited FY 1992 funds prevent consideration of some of the suggested priorities. Suggested priorities not

adopted this year will be taken into consideration in the development of proposed priorities for succeeding years.

**1.22 Field Initiated Research on Child Abuse and Neglect**

**Eligible Applicants:** State or local, Tribal, public or nonprofit agencies, organizations, and institutions of higher learning. Collaborative efforts and interdisciplinary approaches are encouraged.

**Purpose:** To support new research designed to carry out the legislative responsibilities established for the National Center on Child Abuse and Neglect (NCCAN) by the Child Abuse Prevention and Treatment Act of 1988, as amended. These responsibilities include the conduct of research on the causes, prevention, identification and treatment of child abuse and neglect; and on appropriate and effective investigative, administrative and judicial procedures with respect to cases of child abuse, particularly child sexual abuse.

**Background Information:** The generation of new knowledge that promotes an understanding of critical issues in child abuse and neglect is essential in order to improve prevention, identification and treatment. Research areas to be addressed are those that will expand the current knowledge base, build on prior research, contribute to practice and provide insights into new approaches to the prevention and treatment of child maltreatment. The areas include, but are not limited to, mediating factors and mechanisms in the intergenerational transmission of family processes that lead to, as well as prevent, child maltreatment and other forms of family and interpersonal dysfunction; the relationships between child maltreatment and sibling abuse and spousal violence; the role of neighborhood safety factors in the etiology and reporting of child abuse and neglect; cultural factors in maltreatment; needs of children and families with disabilities and the child protective services (CPS) system's response; clients' perceptions, including those of the CPS authority and its use; utilization of service referrals provided by CPS or related agencies, including how service needs are identified by CPS and the factors that facilitate or hinder client follow-up; the relationship between two or more risk conditions (e.g., disabilities, substance abuse) among family members and child maltreatment; the unique issues of the youth population, including the identification of successful strategies utilized for the prevention of maltreatment and averting of

victimization, successful approaches to bolstering teenage credibility in the reporting of maltreatment, the effectiveness of interventions and supportive services for maltreated teenagers, and the impact of removal from the home and separation from the non-offending parent as well as supportive adolescent peer groups; and comparative studies on effective administrative procedures for the identification, handling and treatment of child abuse cases.

The use of common data collection instruments across studies is encouraged where applicable. It is also expected that initial planning for data sets will be carried out in accordance with good practice and that final reports will be prepared in an NCCAN-suggested format. Information on all projects supported by NCCAN as well as other studies on child maltreatment is available through the Clearinghouse on Child Abuse and Neglect Information, P.O. Box 1182, Washington, DC 20013.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Describe how the proposed research addresses current and emerging issues that have direct application to the field of child abuse and neglect within the context of the National Center's legislative responsibilities.
- Demonstrate an in-depth understanding of the issues and problems associated with child abuse and neglect, and provide an up-to-date review of the relevant literature.
- Propose an approach that is comprehensive and culturally responsive to the populations included in the study.
- Describe the overall research design that would be employed, including as applicable: sampling procedures, experimental design, the kinds of data to be collected, procedures for data collection, the instruments and measurements to be utilized, adapted or developed and the plans for data analysis.
- Demonstrate an ability to gain access to necessary information, data, and clients.
- Describe strategies for the dissemination of the findings in a manner that would be of use to other researchers and practitioners in the field.
- Provide assurances that at least one key staff person would attend a three-day annual spring meeting in Washington, D.C.; that the data set would be prepared according to sound

documentation practices; and that the final report would be prepared in a format ensuring its ease for dissemination and utilization.

**Project Duration:** The length of the project must not exceed 36 months.

**Federal Share of Project Costs:** The maximum Federal share of the project is not to exceed \$200,000 per 12-month budget period. Applications for lesser amounts, including those for small grants of \$25,000 or less, will also be considered under this priority area.

**Matching Requirements:** There is no matching requirement.

**Anticipated Number of Projects to be Funded:** It is anticipated that four projects will be funded at the maximum funding level or more than four if acceptable applications for lesser amounts are funded.

**CFDA: 13.670 Research and Demonstration: Title I of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.**

**1.23 Graduate Research Fellowships in Child Abuse and Neglect**

**Eligible Applicants:** Institutions of higher education, including Historically Black Colleges and Universities, Native American institutions of higher learning and other institutions of higher learning with a history of serving Hispanic and Asian populations, on behalf of qualified doctoral candidates enrolled in the sponsoring institution. To be eligible to administer such a grant on behalf of a student, the institution must be fully accredited by one of the regional institutional accrediting commissions recognized by the U.S. Secretary of Education and the Council on Post-Secondary Accreditation.

**Purpose:** To provide support for graduate students to conduct research on critical issues in child abuse and neglect.

**Background Information:** The research community has highlighted the need to draw new researchers into the field of child abuse and neglect. The Administration for Children and Families (ACF) is continuing to provide support for individual fellowships for doctoral candidates to complete dissertations addressing critical issues in child abuse and neglect.

ACF seeks to expand the research capacity of the field by encouraging more students to seek careers in child abuse and neglect research through the granting of individual graduate fellowships for doctoral candidates to complete their dissertations. The questions to be addressed and the issues to be studied for graduate fellowships are those related, but not

limited, to the priority area on Field Initiated Research on Child Abuse and Neglect (See priority area # 1.22).

ACF is interested in supporting doctoral-level candidates, through their sponsoring institutions, who are now conducting or wish to conduct research on child abuse and neglect for their dissertations. While an individual is considered to be the beneficiary of the grant support, awards will be made to eligible institutions on behalf of qualified candidates. Doctoral-level candidates in interdisciplinary programs and related programs, such as special education or early childhood education, are also encouraged to apply for support through their institutions.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Provide evidence that the candidate is enrolled as a doctoral candidate in the sponsoring institution and provide documentation that the institution's dissertation committee has accepted the research proposal.

- Provide evidence of the candidate's ability to conduct research including education, employment experiences, publications, and information on current academic status. A letter of support from a sponsoring faculty member must also be provided for each doctoral candidate seeking a Fellowship.

- Propose one or more research questions to be addressed by the candidate which would contribute to the body of knowledge about child maltreatment.

- Demonstrate the candidate's indepth understanding of the issues and problems associated with child abuse and neglect and provide an up-to-date review of the relevant literature.

- Present specific results from any relevant planning studies, pilot studies or other preparatory work conducted by the candidate.

- Describe the overall research design which would be employed, including as applicable: sampling procedures, experimental design, kinds of data to be collected, procedures for data collection, the instruments and measurements to be utilized, adapted or developed and the plans for data analysis.

- Indicate how the proposed study is distinguished from other ongoing research at the university of which it is a part, if applicable.

- Demonstrate the candidate's ability to gain access to necessary information, data, and clients. Identify any limitations in carrying out the research (e.g., obtaining the sample) or potential barriers to the completion of the study.

- Provide assurances that the full amount would go directly to the graduate student as a stipend; some dependent allowances; any appropriate university fees; and major project costs for conducting the proposed research, including any necessary travel. No overhead costs (indirect costs) are allowed for this program.

- Provide all required assurances and certifications, including Certification of Protection of Human Subjects Assurances, as part of the application.

- Provide assurances that the candidate would attend a three-day annual spring meeting in Washington, DC., and would prepare quarterly progress reports and a final project report in a format ensuring its ease for dissemination and utilization.

**Project Duration:** The length of the project must not exceed 12 months.

**Federal Share of the Project Costs:** The maximum Federal share of the project is not to exceed \$10,000.

**Matching Requirement:** There is no matching requirement.

**Anticipated Number of Projects to be Funded:** It is anticipated that ten projects will be funded. No more than two awards per institution will be made.

**CFDA: 13.670 Research and Demonstration: Title I of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.**

**1.24 Research on the Non-Offending Maternal Parent of Victims of Intrafamilial Child Sexual Abuse**

**Eligible Applicants:** State or local, Tribal, public or nonprofit agencies, organizations, and institutions of higher learning. Collaborative efforts are encouraged.

**Purpose:** To support studies on the variables that promote maternal support of victims of intrafamilial sexual abuse.

**Background Information:** Intrafamilial abuse affects all members of the family that experience it. The literature reflects considerable discussion and research on the impact of intrafamilial sexual abuse on the child victim, the appropriate actions to be taken regarding the perpetrator and the treatment to be provided to the family. Key to the healing of the child victim is the role that the non-offending parent plays at disclosure, treatment, disposition and beyond. Although there are cases where the non-offending parent is the father, this priority area focuses on the non-offending maternal parent of the child victim of intrafamilial sexual abuse. For purposes of this priority area, intrafamilial sexual abuse is limited to that committed by related family members who are responsible for the child's welfare, especially that

committed by a parent, step-parent, adoptive parent, uncle, aunt, or a grandparent.

Discussions in the literature describe the mother of the incest victim in a variety of ways, often negative. She has been characterized as weak, unassertive, and over-dependent (Zephan, 1982). The mother's depression, illness, or absence have been cited as risk factors for the abuse to occur (Pecora, in press). At least one researcher has suggested that the mother could prevent disclosure of abuse (Kohn, 1987).

This priority area intends to build on current research on the factors that contribute to an understanding of why some mothers of child sexual abuse victims are supportive and others are not. In order to plan treatment for this population, it is important to look at factors that may assist the mothers in supporting their children both upon disclosure and through the numerous interviews and investigations conducted by a variety of professionals involved in the case. The family may also experience changes in financial status and living conditions as a result of the perpetrator being removed from the home.

These changes place a great strain on the mother at a time when the victim and other children most need a stable and nurturing environment. ACF is interested in studies that further explore the variables that promote maternal support. Information is needed on the characteristics of the non-offending parent and family composition including the number of children and their ages; the mother's background and own victimization experiences, if any; her perceptions of and relationship to her child and the perpetrator; and her attitudes toward treatment for her child, herself and the perpetrator. It is important to determine at what point the non-offending parent provides support to the child victim, the number and type of support services available to the family, and which intervention strategies facilitate effective maternal support. All systems involved with this family should be taken into consideration. This research should contribute to a theoretical framework for different types of intervention that will enable the non-offending parent to provide for the well-being of the child victim and other family members.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Demonstrate an indepth understanding of the issues and

methodological problems associated with the study of maternal support of child victims of intrafamilial sexual abuse.

- Include an up-to-date review of the relevant literature.
- Propose an approach that is comprehensive and culturally responsive to the populations that would be included in the study.
- Describe the overall research design that would be employed, including as applicable: sampling procedures, experimental design, the kinds of data to be collected, procedures for data collection, the instruments and measurements to be utilized, adapted or developed and the plans for data analysis.
- Demonstrate an ability to gain access to necessary information, data, and clients.
- Describe strategies for the dissemination of the findings in a manner that would be of use to other researchers and practitioners in the field.
- Ensure that the data set would be prepared according to sound documentation practices; and that the final report would be prepared in a format ensuring its ease for dissemination and utilization.
- Provide assurances that at least one key staff person would attend a three-day annual spring meeting in Washington, DC.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of the Project Costs:* The maximum Federal share of the project is not to exceed \$150,000 per 12-month budget period.

*Matching Requirement:* There is no matching requirement.

*Anticipated Number of Projects to be Funded:* It is anticipated that two projects will be funded.

*CFDA: 13.670 Research and Demonstration: Title I of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.*

#### 1.25 Infrastructure for the Support of Research on Child Abuse and Neglect

*Eligible Applicants:* State or local, Tribal, public or nonprofit agencies, organizations, and institutions of higher learning.

*Purpose:* To support three activities which will assist researchers in their studying child abuse and neglect: A national archive for processing and housing high quality data sets; a directory of measures used in studies of child abuse and neglect; and the identification of state-of-the-art information on the methodological, legal

and ethical issues in conducting research on child maltreatment.

*Background Information:* NCCAN has initiated a multifacet approach to the conduct of research and the support of sound research strategies, particularly relevant to critical issues in the child abuse and neglect field. Toward this end, a 19-month grant has been awarded to the National Academy of Sciences' National Research Council to conduct a comprehensive review and synthesis of research on child abuse and neglect and recommend research priorities for the next decade. The study is being implemented by a multidisciplinary panel of distinguished scientists.

Two priority areas in this announcement indicate ACF's intent to continue support for field initiated-research and graduate research fellowships. NCCAN has also conducted a symposium on how to bridge the gaps between research and practice. Further, the NCCAN-funded Consortium for Longitudinal Studies, in its initial implementation year, is generating the first multidisciplinary collaborative effort of its kind in this field among research scientists to address questions about the life course of at-risk and child maltreating families.

In this priority area, ACF seeks to ensure funding for three other components of an infrastructure identified as critical for the support of research on the prevention, identification and treatment of child abuse and neglect. Each of these three components is discussed in further detail below.

A. The ACF recognizes the need to provide support for a national archive for child abuse and neglect data. There are several functions that a national archive can perform for researchers in the field of child abuse and neglect. While a major function is to process, house, and preserve quality data sets from studies on child abuse and neglect, an archive also plays a critical role in setting standards and establishing good practices for the documentation of data sets.

Establishing such procedures enables data to be more readily and easily shared with other researchers and provides the additional capacity for further and secondary analyses. A centralized archive can also facilitate collaboration among researchers for knowledge building, and encourage new researchers to enter the field. Such an archive, for example, can also provide training and technical assistance opportunities for new researchers or postdoctoral candidates through the conduct of summer training institutes which bring a small number of

researchers together to work on these data sets.

B. Another important component for facilitating research on child abuse and neglect is updated information on measures and instruments used in conducting studies on its prevention, identification and treatment. ACF seeks to provide support for building on and expanding the current computerized directory and related resources on measures used in studies of the prevention, identification, and treatment of child abuse and neglect. It is important that timely information be available on how and what instruments have been utilized, what the strengths and weaknesses of the measures are and under what circumstances they might be best utilized. These resources enable collaboration among researchers through the use of common batteries of known measures across studies where applicable, thereby enhancing the knowledge building capacity of the field. This work would also contribute to the identification of the need for instruments and the development of new measures.

C. Finally, ACF seeks to identify and address the most critical methodological problems and legal and ethical issues encountered in the conduct of research on the identification, prevention and treatment of child abuse and neglect. Examples include the problems associated with defining maltreatment for research studies, developing and utilizing adequate evaluation approaches to determine the effectiveness of various prevention and treatment strategies, selection of appropriate statistical techniques for analyses of research data, and issues of confidentiality, informed consent and protection of human subjects in conducting child maltreatment research. There is a need for state-of-the-art information on these problems and issues. Such information may be obtained through the convening of technical conferences or workshops, the preparation of technical papers or commission of monographs on given topics, and the development of materials and instructional papers on exemplary procedures. This activity should contribute to the knowledge building capacity of the field both in the use of sounder techniques and in the development of new ways to address critical research questions.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area for any one of the three types of activities described above, each applicant should:

- Specify which component, either A, B or C, that the applicant is addressing on the SF-424; it is expected that each application will address one component only. However, an applicant may submit more than one application providing that each addresses a different component.

- Demonstrate an understanding of the issues and problems associated with the component being addressed.

- Demonstrate an awareness of current activities being undertaken on this component and how the approach being proposed would build on this work.

- Propose an approach that is comprehensive and reflects cultural sensitivity to the issues being addressed.

- Describe the approach that would be employed for the specific function being addressed and demonstrate sufficient resources and the appropriate facilities to undertake the project.

- Demonstrate an ability to gain access to necessary information and data sets as applicable.

- Describe strategies for the dissemination of the products in a manner that would be of use to other researchers and practitioners in the field.

- Provide assurances that at least one key staff person would attend a three-day annual spring meeting in Washington, DC.

*Project Duration:* The length of each of the projects must not exceed 36 months.

*Federal Share of the Project Costs:* The maximum Federal share for each of the three projects is not to exceed \$150,000 for the first 12-month budget period or a maximum of \$450,000 for a 3-year project period.

*Matching Requirement:* There is no matching requirement.

*Anticipated Number of Projects to be Funded:* It is anticipated that one project will be funded for each component or a total of three projects.

*CFDA: 13.670 Research and Demonstration: Title I of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.*

1.26 New Field-Initiated Demonstrations and Replications of Successful Projects Addressing Child Abuse and Neglect

*Eligible Applicants:* State or local, Tribal, public or nonprofit agencies, organizations, and institutions of higher learning. Collaborative efforts and multidisciplinary approaches are encouraged.

*Purpose:* To support the development of innovative approaches to combating child maltreatment. These demonstration and replication projects

must be documented and include a strong evaluation component.

*Background Information:* There is a critical need to know which child abuse and neglect programs work for which families, children and youth, in which settings and under what circumstances. There is a further need to have the capacity to replicate sound and effective child abuse and neglect prevention and treatment programs.

Demonstration areas to be addressed are those that will expand the capacity of the field to prevent, identify and treat child abuse and neglect. These would include replications of successful approaches to address other populations under a given sponsor in other geographical locations; full implementation of a successful pilot program; and demonstrations of a new approach to a continuing problem or addressing a new area of concern. Examples of the types of projects which can be supported under this priority area include collaborative efforts between child abuse and neglect and family violence programs as well as those programs already working with children, youth and families in the community such as Project Head Start and Runaway and Homeless Youth Programs; comprehensive school-based programs to serve children with disabilities, adolescent youth, or low-income families at risk of child maltreatment; collaborative efforts for establishing a neighborhood-based prevention program of services for assisting self-referred parents in a non-punitive manner; establishment of a comprehensive integrated services delivery system; and replication of child advocacy centers.

Strong efforts should be made to develop and implement comprehensive services that are culturally sensitive, age appropriate and need specific. Any proposed demonstration or replication project should also provide for comprehensive evaluation strategies that are appropriate and culturally sensitive. The evaluation should include a description and careful assessment of the clients receiving services, assessment of program effectiveness, and the differential impact of various interventions and their components. Plans should include documentation of the development and implementation of the project in a form that can be readily used to promote replication of successful components.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Describe how the project builds on the literature and how any information from pilot projects would be used.

- Describe the design of the project to be developed and implemented, including the nature of any collaborative efforts and the geographical area to be targeted in terms of its distinctive features and the population to be recruited and served.

- Propose an approach that is comprehensive and culturally responsive to the populations included in the demonstration.

- Describe the evaluation that would be carried out, including the kinds of data to be collected on clients and services provided, the outcomes that would be measured, the evaluation design to be employed, and how the data would be analyzed.

- Demonstrate an ability to gain access to necessary information, data, and clients.

- Ensure that the manual, related products and the final report would be prepared in a format to ensure the dissemination and utilization of findings, including the replication of the demonstration.

- Provide assurances that at least one key staff person would attend a meeting in Washington, DC.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$200,000 for the first 12-month budget period or a maximum of \$600,000 for a 3-year project period.

*Matching Requirements:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$600,000 is \$200,000 for a 3-year project period. This constitutes 25 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that two projects will be funded.

*CFDA: 13.670 Research and Demonstration: Title I of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.*

1.27 Culturally Sensitive Child Maltreatment Prevention Demonstration Programs for Populations of Differing Cultures

*Eligible Applicants:* State or local, Tribal, public or nonprofit agencies and institutions of higher learning. Collaborative efforts and multidisciplinary approaches are encouraged.

*Purpose:* To support the development of culturally sensitive child maltreatment prevention demonstration

programs for serving populations of differing cultures.

**Background Information:** Many populations in the U.S. belong to cultures with differing child rearing customs, attitudes, traditions, practices and cultural norms. Among these populations are recent immigrants including Hispanic and Amerasian families, Southeast Asian refugees and migrant workers and geographically isolated populations.

This priority area is designed to support culturally sensitive prevention demonstration projects aimed at improving the level of family functioning by building on the strengths within these families. This effort should provide for enhancing service delivery systems to meet the needs of culturally diverse families. Demonstrations may include culturally relevant parenting programs, the provision of appropriate social and health services, and educational efforts that deal with parents' fears of losing their cultures, customs and traditions. Such programs may be appropriate adaptations of proven technologies as well as the development of intervention strategies.

The proposed demonstrations should provide documentation in support of the issues being addressed and detail the specific interventions to be implemented and their timeframes. Any proposed demonstration project should also provide for comprehensive evaluation strategies that are appropriate and culturally sensitive. The evaluation should include a description and careful assessment of the clients receiving services, assessment of program effectiveness, and the differential impact of various interventions and their components. Plans should include documentation of the development and implementation of the demonstration to be used in disseminating information on successful components.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Describe how the project builds on the literature and how any information from pilot projects would be used.
- Describe the design of the project to be developed and implemented, including the nature of any collaborative efforts and the geographical area to be targeted in terms of its distinctive features and the populations to be recruited and served.
- Propose an approach that is comprehensive and culturally responsive to the populations included in the demonstration.
- Describe the evaluation that would be carried out, including the kinds of

data that would be collected on clients and services provided; the outcomes that would be measured; the evaluation design that would be employed; and how the data would be analyzed.

- Demonstrate an ability to gain access to necessary information, data, and clients.
- Ensure that any products, including the final report, would be prepared in a format to ensure the dissemination and utilization of findings, including the replication of the demonstration.
- Provide assurances that at least one key staff person would attend a meeting in Washington, DC.

**Project Duration:** The length of the project must not exceed 36 months.

**Federal Share of Project Cost:** The maximum Federal Share of the project is not to exceed \$150,000 for the first 12-month budget period or a maximum of \$450,000 for a 3-year project period.

**Matching Requirement:** The minimum non-Federal matching requirement in proportion to the maximum Federal Share of \$450,000 is \$150,000 for a 3-year project period. This constitutes 25 percent of the total project budget.

**Anticipated Number of Project to be Funded:** It is anticipated that two projects will be funded.

**CFDA: 12.870 Research and Demonstration:** Title I of the Child Abuse Prevention, Adoption and Family Services Act of 1988 as amended.

#### 1.28 Model Approaches to Service Delivery to Combat Child Maltreatment in Rural Communities

**Eligible Applicants:** State or local, Tribal, public or nonprofit agencies, organizations, and institutions of higher learning. Collaborative efforts and multidisciplinary approaches are encouraged.

**Purpose:** To support the development of model approaches to service delivery to combat child maltreatment in rural communities.

**Background Information:** There is a need to identify, develop or adapt model approaches to service delivery for children and their families residing in rural settings who are affected by child maltreatment. These approaches should build on the strengths and address the unique needs of children and families in rural communities. These families may have inadequate access to services in areas such as employment, housing, health, legal assistance, transportation, and recreation.

ACF is interested in supporting the development of model programs for the identification, prevention and treatment of child maltreatment in rural settings. These demonstration programs may be adapted from or linked with other

community-based programs such as Head Start, mental health centers, and agricultural extension services. An evaluation component should be included.

As appropriate, these programs should be designed to:

- Mobilize local public and private resources including employment and housing services, legal services, churches, schools, businesses and service clubs;
- Coordinate community service delivery around central sites such as schools, libraries and community centers;
- Recognize the transportation needs of children and their families;
- Build on natural relationships and informal networks in the community;
- Establish roving medical and dental teams from the county seats to outstation sites in the more geographically isolated areas;
- Link up with telephone systems for medical, mental health, social service, and legal consultations;
- Make use of media including newspapers, radio and television;
- Make use of self-instruction training materials for families and community services providers; and
- Provide home visiting programs.

These approaches may be implemented on a multi-county, State or regional basis. Such programs may be appropriate adaptations of proven technologies as well as the development of new service delivery strategies.

The proposed demonstrations should provide documentation in support of the issues being addressed and detail the specific plans for service delivery. Any proposed demonstration project should also provide for comprehensive evaluation strategies that are appropriate and culturally sensitive. The evaluation should include a description of the geographical area, target population, and the clients receiving services and an assessment of program effectiveness. Plans should include documentation of the development and implementation of the demonstration providing for dissemination of information on successful components.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Describe how the project builds on the literature and how any information from pilot projects would be used.
- Describe the design of the project that would be developed and implemented, including the nature of any collaborative efforts and the geographical area to be targeted in

terms of its distinctive features and the populations to be recruited and served.

- Propose an approach that is comprehensive and culturally responsive to the populations included in the demonstration.
- Describe the evaluation that would be carried out, including the kinds of data that would be collected on clients and services provided, the outcomes that would be measured, the evaluation design that would be employed, and how the data would be analyzed.

• Demonstrate an ability to gain access to necessary information, data, and clients.

• Describe how the project would continue beyond termination of Federal funding.

• Ensure that any products, including the final report, would be prepared in a format to ensure the dissemination and utilization of findings, including the replication of the demonstration.

• Provide assurances that at least one key staff person would attend a meeting in Washington, DC.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$200,000 for the first 12-month budget period or a maximum of \$600,000 for a 3-year project period.

*Matching Requirements:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$600,000 is \$200,000 for a 3-year project period. This constitutes 25 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that two projects will be funded.

*CFDA: 13.670 Research and Demonstration: Title I of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.*

**1.29 National Training Program for Effective Models of Child Sexual Abuse Treatment Programs**

*Eligible Applicants:* State or local, Tribal, public or nonprofit agencies, organizations, and institutions of higher learning. Collaborative efforts and multidisciplinary approaches are encouraged.

*Purpose:* To support the establishment of a national training program for a model comprehensive community-based child sexual abuse treatment program integrating treatment with self-help.

*Background Information:* In response to the need identified by experts in the field for training and for the development of model comprehensive community-based treatment programs for child sexual abuse across the nation

and in response to comments received from members of the U.S. Senate, ACF seeks to support the establishment of a national training program for the development of model comprehensive community-based treatment programs for child sexual abuse.

This program should be designed to provide training on the most effective community-based treatment approaches for child sexual abuse that integrate self-help. Such approaches should be multifaceted, multidisciplinary and address the needs of all those involved in the abuse. The program should provide for onsite training by visiting professionals as well as the utilization of advanced audio and visual technologies, including satellites, for distributing training information at sites across the nation.

Applicants should include information on how participants would be targeted and recruited for participation in this training, which would be provided at a minimal charge to the participants. The training plan should also detail the number and type of trainees, the proposed curriculum along with information on any pilot studies of the effectiveness of the curriculum and training programs, and describe who would conduct the training. An evaluation plan should be included that addresses the effectiveness of the training provided.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Describe how the project integrates self-help, builds on the child sexual abuse treatment literature, and how any information from pilot projects would be used.

• Describe the design of the project to be developed and implemented, including the nature of any collaborative efforts, the population to be recruited and trained, and the treatment population to be served.

- Propose an approach that is comprehensive and culturally responsive to the populations being treated and those being trained.

• Describe the evaluation that would be carried out, including the kinds of data that would be collected on participants and training provided, the outcomes that would be measured, the evaluation design that would be employed, and how the data would be analyzed.

- Demonstrate an ability to gain access to necessary information, data, and participants.

- Ensure that any products, including the final report, would be prepared in a format to ensure the dissemination and

utilization of findings including the replication of the training.

- Provide assurances that at least one key staff person would attend a meeting in Washington, DC.

*Project Duration:* The length of the project must not exceed 17 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$750,000 for the 17-month budget.

*Matching Requirements:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$750,000 is \$250,000 for the 17-month budget period. This constitutes 25 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that one project will be funded.

*CFDA: 13.670 Research and Demonstration: Title I of the Child Abuse Prevention, Adoption and Family Services Act of 1988, as amended.*

**2. Administration for Native Americans**

**2.01 Developing a Comprehensive National Model for Native American Veterans to Access and Utilize Services and Benefits**

*Eligible Applicants:* National non-profit Native American organizations with national perspectives, or consortia of nonprofit Native American organizations which together have a national perspective.

*Purpose:* To develop and test an effective comprehensive national services access model for Native American veterans, which can be replicated nationwide, to assist in eliminating the problem of inaccessible, fragmented, and uncoordinated services experienced by Native American veterans at all levels of government (tribal, State and Federal). During the project period, the model must be tested in two sites.

A secondary purpose of this priority area is to develop a national database on Native American veterans which will provide critical information necessary to and in support of the national services access model. The database also will assist tribal and Federal leaders in better targeting services to Native American veterans. The development of this database, which should also serve as a replicable model, must include national census data on Native American veterans, information on the geographic distribution of Native American veterans on/off reservations, information on utilization levels of various services, barriers to the use of services, and other pertinent data.

*Background Information:* The Native American population, as a whole,

experiences more poverty and social ills, including the highest unemployment rates, poorer health and less education, than any other group in America. Many of these problems can be attributed to the lack of access to opportunities in the areas of education, health care and employment and training.

As a result of their service in the armed forces of this country, veterans are provided with special opportunities and services not necessarily available to other groups. However, every study of Native Americans indicates that current Federal and State programs designed to help all veterans are not adequately meeting the needs of Native American veterans in terms of availability of access to and utilization of services despite the overwhelming social and economic problems that Native American veterans face.

In the final report of the Advisory Committee on Native American Veterans (required by Pub. L. 99-272), two major problems related to the Department of Veterans' Affairs (VA) services to Native American veterans were identified. These problems are a lack of statistical data on Native American veterans and the lack of statistical data on Native American veterans and the under-utilization by Native American veterans of benefits to which they are entitled, including health care, education, and other supportive services.

Although the exact number varies depending on definition, there seems to be general agreement that about 12 percent of the Native American population are veterans. The 1985 Veterans Administration Statistical Brief identifies a population of 159,900 American Indian, Aleut, and Eskimo veterans. Hearings held in November 1989 by the Select Committee on Indian Affairs indicated that there are 170,000 Native American veterans. Although specific numbers are not available, there is evidence that Native Hawaiian and Native American Pacific Islander veterans are also underrepresented in receiving services.

Because Native American veterans experience such a gross level of needs, there is a need to develop and implement a national Native American Veterans model that identifies services and benefits available to Native American veterans and improves access to and receipt of needed services by these veterans. The goal of developing and implementing such a model should be to encourage social self sufficiency and sustained improvement in the health and social conditions of Native American veterans. Additionally, a secondary focus of the project is to

develop a model national database of information on Native American which will assist in the development of the comprehensive national services access model and provide needed information to tribal and Federal leaders in addressing the problems of Native American veterans.

The project should seek not only to improve the responsiveness of State and Federal services in meeting the needs of Native American veterans but, where appropriate and in response to the concerns of Tribal Governments and Native American veterans organizations, identify alternative and innovative approaches for Tribal Governments in providing services for their veterans, e.g., direct provision of services through 838 contracting procedures.

This priority area directly supports several Departmental initiatives, such as strengthening the family's capability to care for its members and the integration of services to improve the effectiveness and efficiency of social service delivery. In addition, this priority area emphasizes the Departmental initiatives to improve access to health care and enhancing health promotion.

The model developed should increase the availability and accessibility to Government services, including VA benefits, to which Native American veterans are entitled through targeting benefits and services especially to those with physical disabilities and service-related mental/emotional impairments. The model to be developed and its implementation is aimed at eliminating the problem of inaccessible, fragmented and uncoordinated services at all levels of tribal, State and Federal governments.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Provide an overall design for the entire proposed three year project period, including an identification of project phases (planning, design, implementation, evaluation, dissemination) and timeframes.

- Describe a services access model which is comprehensive, including, at a minimum, benefits/services in the areas of health, job training/employment, financial benefits, and social services available to Native American veterans.

- Provide for and describe how effective coordination of all appropriate services and efforts on behalf of Native American veterans will be accomplished, including strong interface with tribal government agencies, the Department of Veterans Affairs, the social services offices of VA medical centers, and other tribal, local, State,

and/or Federal agencies. Letters of commitment, specifying their roles in the project and level of involvement, should be included in the application.

- Describe how the project will provide for consultation with the Native American veterans community to obtain their input concerning the services access model, how it should be implemented, and possible site locations.

- Discuss related issues such as how case management, outreach, referral, and transportation in rural areas may help to increase access to services; and culturally appropriate support systems such as traditional healing practices.

- Describe how a national database of information on Native American veterans and their utilization of services will be developed and utilized to address the purposes of this priority area and how and to whom these data will be disseminated, e.g., to tribal/State governments, services agencies, and Native American veterans organizations as part of project activities and outcomes.

- Include the use of television, radio and print media as an integral part of the design to inform Native American veterans and organizations about the project and to encourage their participation in the project. This should include plans to inform veterans with physical disabilities and service-related mental and emotional impairments who might not learn of the project through normal channels.

- Include a plan for pilot testing the model at two sites, describing geographically and demographically the communities in which the model will be tested. The two sites should be sufficiently different to provide test results that the model can be successfully implemented in different settings, a prerequisite to nationwide replication.

- Specify how the effectiveness and suitability of the model will be evaluated, including the indicators to be used, for its replication elsewhere in the Native American community.

- Describe how the project will be able to continue following the end of ANA support, including an identification of other potential funding sources which could be used to support or replicate the model.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$250,000 for the first 12-month budget period or a maximum of \$750,000 for a 3-year project period.

**Matching Requirement:** The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$750,000 is \$187,500 for a 3-year project period. This constitutes 20 percent of the total project budget.

**Anticipated Number of Projects to be Funded:** It is anticipated that one project will be funded.

**CFDA:** 93.621 Native American Programs Act of 1974, as amended.

**2.02 Stabilizing and Expanding National and International Markets for Tribal Manufacturing Companies**

**Eligible Applicants:** American Indian Tribes, for-profit Native American organizations, and non-profit Native American organizations and tribal consortia.

**Purpose:** To develop and implement a national multi-tribal manufactured products marketing service to assist American Indian manufacturing companies in marketing their products to a wide range of public and private sector markets in the United States and in the international community and to help institutionalize greater marketing expertise for Indian manufacturing companies in order to strengthen, stabilize, and expand their business growth and marketing opportunities.

It should be emphasized that the purpose of this project is not to design/deliver third party training and technical assistance to Tribal companies in developing new markets for their manufactured goods, but rather to develop and implement a marketing service for the purpose of expanding Indian manufactured goods into new markets. Additionally, it is emphasized that the purpose of the project is to facilitate the transfer of expertise to each participating tribal enterprise in order that marketing capabilities will exist in each manufacturing business at the termination of the project. An expected outcome of this project, therefore, is the transfer of technological "know-how" to Tribal manufacturing companies so they will have the capabilities to undertake future endeavors to broaden their markets for manufactured goods both nationally and internationally.

**Background Information:** In recent years Indian Tribes have identified unemployment as their principal problem. On most reservations unemployment ranges from 40-90 percent. It has been projected that on larger reservations as many as 125 manufacturing businesses employing large numbers of tribal members would be needed to create enough jobs to substantially reduce unemployment.

To address this problem, a number of large Indian manufacturing businesses—employing or having the potential to employ 50 or more persons—have been established at considerable Federal and tribal expense and effort. Federal agencies are interested in and supportive of the growth and stability of these businesses because of their potential for reducing American Indian unemployment rates.

When these tribal manufacturing companies were formed, they were intended to be profitable on a long-term basis at a level at least equal to their direct competition. For many of them, however, a major problem encountered in their start-up was under-capitalization or debt-financing, thus placing them in a noncompetitive, subsidized "8(a)" status. These businesses are now approaching a developmental stage where they must move to a more competitive position in relation to both the general market economy and other similar businesses. Because of their tight financial structuring, many of these tribal businesses find it difficult to compete in this new and open market without support.

The long-term success of Indian manufacturers requires, in part, movement from the marketing of their products solely to governmental agencies (such as the U.S. Defense Department) to targeting on a broader spectrum of commercial or private sector markets. U.S. Government markets will fluctuate with the rise and fall of Congressional appropriations. Defense Department appropriations, for example, are expected to be reduced considerably in the immediate future.

To address these problems of expanding the potential national and international markets for Indian manufacturing businesses and, thus, impact tribal unemployment, this proposed marketing project should emphasize transitional strategies for these businesses to assist them in reducing dependency on Defense-related governmental contracting and to increase the development of stable, diverse, and profitable markets in the non-Defense related public sector. Particular emphasis also should be strongly placed concurrently on development and implementation of a national/international marketing strategy that will generate private sector sales opportunities for Indian manufacturing businesses.

The approach(es) proposed for carrying out this project may include a manufacturing market representative to provide direct sales support for the tribal manufacturing businesses

participating in the project. Such a representative's role may include advertising products, locating buyers, arranging and consummating sales, facilitating the delivery of products, and providing follow-up to the tribal companies. Applicants may wish to consider a working arrangement with an existing advertising/marketing agency with a substantial past record in government and commercial marketing. The approach proposed may also include an advertising campaign for the tribal businesses participating in the project.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Describe in detail the specific strategies/approaches that will be utilized to develop and implement a manufactured products marketing service which will promote the products and expand the sales of tribal manufacturing companies in both the government (non-Defense) and private sectors and in the national and international marketplace.
- Describe how tribal manufacturing companies participating in the project will be directly involved in decision-making, planning, and other advisory capacities that will help ensure that the purposes of the project are realized and that transfer of greater marketing expertise to these companies is achieved.
- Provide a detailed implementation plan, with specified activities and milestones, for carrying out the project.
- Indicate how the project will help ensure that expanded markets and increased sales will be achieved for tribal companies and by what (quantifiable) measures success of the project will be determined.
- Indicate how the marketing expertise will be institutionalized within each tribal manufacturing business in order that successful marketing efforts will continue after the termination of the project.
- Demonstrate organizational capacity, knowledge, and experience in Indian economic development and how this capability is directly related to the purposes of this priority area, including knowledge of preferential contracting opportunities available to tribal Governments.
- Describe the knowledge and experience of proposed key staff in areas of tribal economic development, marketing, advertising, and sales.
- Provide specific written assurances of commitments from tribal manufacturing companies of their

cooperation and participation in the proposed project.

- Identify how the outcomes and findings of this project will directly benefit existing and future Indian manufacturing companies in identifying and expanding their sales of manufactured goods into stable public/private sector and national and international markets.

- Provide a plan describing how the project's activities and outcomes will be evaluated.

- Describe a strategy for disseminating information on the results of this project, including an identification of the intended audience and recipients.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$250,000 for the first 12-month budget period or a maximum of \$750,000 for a 3-year project period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$750,000 is \$187,500 for a 3-year project period. This constitutes 20 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that one project will be funded.

*CFDA: 93.612 Native American Programs Act of 1974, as amended.*

#### 2.03 Developing Innovative Community Approaches to Entrepreneurial Activities for Native American Youth

*Eligible Applicants:* Non-profit Native American organizations including Urban Indian Centers, American Indian Tribal Coalitions, Non-profit Alaskan Native Regional Associations and Native Hawaiian Organizations. Eligible applicants also include public and private agencies serving native peoples from Guam, American Samoa, Palau, or the Commonwealth of the Northern Mariana Islands.

*Purpose:* To develop and test a community-based model demonstration project for youth entrepreneurial training through which work-related skills, knowledge of business development, and business implementation and management skills are transmitted to Native American youth. Such a model should provide training opportunities for the acquisition and development of skills for Native American youth. In addition, the model should meet a community's need to train persons with entrepreneurial orientations and management skills. This model also should directly benefit and support youth social development while addressing the longer-range

economic needs of these youth and their communities. Although the participating youth should be the primary beneficiaries of this demonstration project, the project should be designed to benefit the larger Native American community in which it is implemented and be applicable to other such communities.

*Background Information:* Native Americans have the highest birth rate of all major groups in the United States, including persons of Black, White, and Hispanic descent. The Native American population is also younger than the overall population of the United States with two-fifths of the Native American population (43.8 percent) under the age of twenty (as compared to 30.3 percent for Whites and 32 percent for the total U.S. population).

Recent studies have pointed out that the lack of entrepreneurial and management skills within Native American communities is a barrier to economic development. Reservation economic development in particular is still in the embryonic stage of development offering tremendous economic potential for the future.

Native Americans have not had the opportunity to develop entrepreneurial skills through traditional avenues. Few Native American children have been exposed to entrepreneurial activity through their school experience or through community role models. In comparison with the larger United States population, the idea of private ownership and/or private profit is not a traditionally held value among Native Americans. Since a large segment of the Native American population is young and will provide the leadership of tomorrow, an entrepreneurial experience for training future community and economic leaders is highly desirable.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the applicant should:

- Demonstrate a thorough understanding of the need for entrepreneurial activities for Native American youth and of the expected benefits (quantifiable, where possible) to be derived from the project for both the participating youth and the larger Native American community.

- Include a detailed work plan which describes the steps involved in promoting and implementing entrepreneurship among Native American junior and/or senior high school students.

- Address the development of entrepreneurial enterprises that are student-operated and that include the

expectation of income producing benefits for participating youth. These enterprises may include the development of services needed by the community; co-ops providing for the needs of the participants; and/or, individual or group-managed businesses for which markets may be identified within or outside the tribal community where the demonstration project is being implemented.

- Identify the expected benefits of the project to both the participating youth and the larger Native American community. Objectives should be quantifiable to the extent possible.

- Include and document through letters of commitment the support of institutions and organizations at the local community level such as financial institutions, private industry councils, local secondary school systems, colleges and universities and successful businesses.

- Describe how the model to be developed and implemented relates to activities in boarding schools, public schools, reservation day schools or after-school programs outside of the school setting.

- Describe how the results of the model demonstration project will be applicable to other Native American communities with similar needs and resources and how the results will be disseminated.

- Provide a plan describing how the project's activities and outcomes will be evaluated.

- Describe a strategy for disseminating information on the results of this project, including an identification of the intended audience and recipients of project results.

- Describe how the project will be able to continue following the end of ANA support.

*Project Duration:* The length of the project must not exceed 24 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$200,000 for the first 12-month budget period or a maximum of \$400,000 for a 2-year project period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$400,000 is \$100,000 for a 2-year project period. This match constitutes 20 percent of the total project budget.

*Anticipated Number of Projects To Be Funded:* It is anticipated that one project will be funded.

*CFDA: 93.612 Native American Programs Act of 1974, as amended.*

## 3. Office of Community Services

## 3.01 Public Information/Community Awareness Projects for the Prevention of Family Violence

**Purpose:** To assist in the development of public information and educational projects and activities that will serve as models for the prevention of family violence. These projects should provide information on resources, facilities, and service alternatives available to family violence victims and their dependents, community organizations, local school districts, and other individuals seeking assistance.

**Eligible Applicants:** State agencies and Native American Tribes and Tribal Organizations who are, or have been, recipients of Family Violence Prevention and Services Act Basic State grants; State and local private non-profit agencies experienced in the field of family violence prevention; and public and private non-profit educational institutions, community organizations and community-based coalitions, and other entities that have designed and/or implemented family violence prevention information activities or community awareness strategies. Recipients of fiscal year 1991 discretionary grant awards for Public Information/Community Awareness Activities for the Prevention of Family Violence are not eligible applicants for this announcement.

**Background:** Based on the encouraging response to the announcement for community awareness and informational activity grants for family violence prevention in fiscal year 1991, ACF plans to make these grants available in fiscal year 1992. Current surveys and research studies have indicated that, all too often within families, the response to stressful situations tends to be physically or emotionally violent. There are data which substantiate the inference that the violent response to conflicts or stressful situations may be a "learned" response, an adaptive and modeled behavior used to control or extricate a person from a particularly stressful situation.

It also has been shown, particularly in anecdotal reports, that there are victims of family violence still unaware of sources of assistance that may be available in their communities. Victims and batterers alike have indicated that they remained in their situations or felt powerless to change because they were uninformed of their options or of the community resources that may have assisted them. We also may assume that the so-called "new minorities" (e.g., Southeast Asians, Central Americans)

may have both language and cultural barriers to surmount in sorting out the matrix of services and community mores in dealing with family violence.

Moreover, the African American and Hispanic communities often have complained that, in general, they do not receive the most current or accurate information on available services or facilities.

The goal of this priority area is to add credible and persuasive information to the arsenal of weapons necessary to break the so-called "cycle of family violence." The achievement of this goal will help assure that individuals, particularly within minority communities, are aware of available resources and alternative responses for the prevention of violence.

The focus of this priority area requires the development of an innovative informational model that may be used by public and private agencies, schools, churches, boys and girls clubs, community organizations, and individuals. The products of this priority area will increase the amount of information on services and other available alternatives to prevent family violence. They will provide the victims, their dependents, and perpetrators, with the knowledge that assistance is available and where it can be found. Accurate information is critical to any community awareness strategy and activity. How information is communicated must be modified where communication barriers may exist because of perceived or real language differences and cultural insensitivities.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the applicant should:

- Present a plan for the prevention of family violence which clearly reflects how the applicant would coordinate with public agencies and with other community organizations and institutions active in the field of family violence prevention.

- Describe, as an element of the plan, a proposed model approach to the prevention of family violence. Two examples are:

- (a) Alternate ways in which children in primary schools learn to handle conflict and disagreements; and

- (b) Intervention strategies for adult perpetrators and victims.

- Include, as a critical element in the plan, the development and use of non-traditional sources as information providers. Applicants should present specific plans for the use of local organizations, businesses and

individuals in the distribution of service information and materials.

- Include, as a critical element in the plan, how the applicant would be responsive to and would demonstrate its sensitivity to the minority communities to which these strategies will be addressed.

- Include a description of how the results of this plan would be measured, and provide a set of achievable objectives; provide a description of a long-range family violence prevention plan for the community that is designed to break the cycle of family violence and show how the use of the long-term plan would achieve this goal.

**Project Duration:** The length of the project should not exceed 12 months.

**Federal Share of the Project:** The maximum Federal share of the project is not to exceed \$60,000 for the 1-year project period. Applications for lesser amounts also will be considered under this priority area.

**Matching Requirement:** The minimum non-Federal matching requirement in proportion to the Federal share of \$60,000 is \$20,000 for a 1-year project period. This constitutes 25 percent of the total project budget.

**Anticipated Number of Projects to be Funded:** It is anticipated that four projects will be funded at the maximum level; more than four projects may be funded depending on the number of acceptable applications for lesser amounts which are received.

**CFDA: 93.671 Family Violence Prevention and Services: Family Violence Prevention and Services Act, as amended.**

## 4. Office of Policy and Evaluation

## 4.01 Improving the Administration of Child Welfare Services

**Eligible Applicants:** State public child welfare agencies administering the title IV-E program or county agencies in State supervised-county administered States.

**Purpose:** To demonstrate improvements in child welfare service delivery and program cost effectiveness that are attainable by utilizing more efficient administrative processes, including workflow management and control, record keeping, and management information.

**Background and Information:** Recent Children's Bureau reviews of State child welfare programs indicate that inefficient administrative procedures exist which are adversely affecting the quantity and quality of services delivered to clients. Such inefficiencies can also put unnecessary pressure on agency budgets.

Record keeping, report writing and other paperwork activities consume such a significant portion of workers' time that they adversely affect the number of clients who can be served and the quality of the services that are delivered. Much of the required paperwork activities are repetitive, overlapping, and duplicative. Sometimes the same information must be entered on form after form, from intake through case closure.

Despite the often extensive record keeping requirements, the information collected is not always that which is needed for optimal effectiveness or efficiency. In addition, useful information which is available is not always provided to those who need it or is not presented in a usable form.

It is likely that the data collection and information management problems cited above are also associated with more general problems related to overall workflow and resource management. A thorough needs assessment and analysis is needed of the existing child welfare workflow, information processing, case record maintenance practices and reporting requirements. This needs assessment and analysis should result in the development of a plan, with recommendations for improvements in the general areas noted. These recommendations would include, but not be limited to, changes needed to improve program operations related to workflow, resource management or information management, and may include the development of a simple, more efficient automated system. The plan that is developed should also detail how these recommendations should be implemented in a pilot test and provide for an evaluation of the pilot to assess the extent of any accrued benefits.

*Minimum Requirements for Project Design:* This is a multi-phase cooperative agreement project in which substantial Federal involvement is anticipated. The 4-year project involves problem definition, developing a proposal for program modifications necessary to address identified problems, baseline data collection, conducting a pilot test on the implementation of recommended modifications, gathering and evaluating data on the process of the test and its outcomes and disseminating the findings. The specific respective responsibilities of Federal staff and the awardees will be negotiated prior to the cooperative agreement award. In order to compete successfully under this priority area, the applicants should:

- Outline a plan of interaction with ACF for implementation of the project under a cooperative agreement

including, as appropriate, activities involving Headquarters and Regional Office staff.

- Identify the tasks that would be associated with each phase.
- For county agencies in State supervised-county administered States, include an agreement with the State agency to participate, to the extent necessary, in the project.
- Identify a medium sized State or local public child welfare agency that employs approximately 30 to 50 child welfare caseworkers to be used as the pilot test site.
- Retain the services of a qualified evaluator with experience in working with child welfare systems or other public or private service systems. This evaluator could be a consultant from a school of public administration or business management, a consulting firm or a resource center which has the demonstrated success and technical expertise required of this project. The evaluator's services would be required through all phases of the project. The evaluator should be independent of the agency. In addition to assisting the grantee in finalizing recommendations for administrative improvements, this consultant will also be required to identify and measure service delivery, and the costs and benefits (direct and indirect) which accrue from the improvements made. A provisional agreement worked out with such a consultant should be included with the application and should outline the terms of the agreement and the costs involved. To minimize costs, the proposed consultant should be located within the applicant's State or in a nearby State.
- Provide a description of the current child welfare program and a preliminary analysis of current problems associated with the management and administration of the program. This program description and problem analysis should indicate how the following tasks would be carried out:
  - An assessment and conduct of a systems analysis of the agency's work methods and information needs, including data collection, processing and record keeping functions, and the attendant flow of information and clients through the child welfare "system" from the viewpoint of both the caseworker and the agency.
  - The identification of all of the forms and reports that are routinely completed, including the information that is recorded during intake, investigation, assessment, placement and change of care, case transfer, case plan development, court and administrative case reviews, inter- and intraagency referrals for services, multi-
- disciplinary staffing, payment rate changes, status reports, aftercare, case closure processes, and other purposes.
- The identification of each data element on these forms, the specific origin of the data requirement and how it is used.
- An evaluation of the flow, utility and the redundancy of each form, report and information requirement and the development of recommendations regarding the elimination, restructuring, consolidation, or retention of each requirement, process or form, as appropriate. As part of this process there should be a clear delineation of the amount of time spent by the average caseworker on direct services to the client as well as the time required for paperwork and other procedural activities.
- The identification of how the required information is related to the State's current or proposed child welfare information system and will be related to the proposed Federally mandated Adoption and Foster Care Analysis and Reporting System (AFCARS).
- The identification of how the required information is related to the State's current or proposed National Child Abuse and Neglect Data System (NCANDS).
- The development of a plan for streamlining the information and paperwork flow which includes recommendations for automation and projects the amount of staff time to be freed for direct casework practice if the plan is implemented. To the extent possible the recommendations should be prioritized.
- The development of guidelines for recording case activities.
- Provide a description of how the proposal for a new/revised system would address the following concerns and activities:
  - Child welfare record keeping and how it can reduce paperwork and avoid repetition of functions by streamlining and simplifying the existing information flow through the child welfare system so as to reduce the total reporting time.
  - How the proposed system would be responsive to changing information that needs to be periodically updated and reexamined to create a database that would provide information and improve the quality of decisions made for children such as reunification with their family, termination of parental rights, adoption, and independent living.
  - How the proposed system would address the use of and accessibility to information, and an adequate level of system security and client confidentiality.

- How the proposed system would move information and clients from workstation to workstation.
- The requisite hardware that would be purchased or leased to implement the pilot test, the instructional manuals that would be developed, and the training that would be provided staff. The cost involved in these activities should be separately identified and justified in the budget.

- The conduct of a pilot test of the proposed system and continuing the process of trouble shooting, improving, and modifying the system as required.

**Note:** The grantee's analysis and proposal will provide the initial basis for the consultant/evaluator's independent assessment of the problems and for developing a final work plan. After review of and agreement by the agency and ACF regarding this work plan and the collection of necessary baseline data, the adopted recommendations would be implemented and then tested during the pilot phase.

- Propose an evaluation plan that would begin collecting benchmark data prior to the time that the pilot test is initiated as well as post-implementation data after the pilot program adjustments are made. This plan should provide for monitoring the pilot test and measuring effects related to improving the efficiency and effectiveness of program services and costs (including assessing the extent to which problems identified prior to the introduction of the modifications have been remedied). The evaluation plan should be developed and implemented by persons who are independent of the agency (e.g., an outside consultant). It must provide for a final report that would be the product of the cooperative effort between the agency and the consultant/evaluator.

- Propose a dissemination plan which includes:

- writing articles for publication in child welfare journals and other publications;

- disseminating project findings through meetings and conferences sponsored by the Children's Bureau, the Child Welfare League of America, the American Public Welfare Association, the Association of State Foster Care Directors and other appropriate organizations; and

- developing a monograph to be sent to other State and local public child welfare agencies that may wish to replicate the methods and results of the project.

- Describe how any software developed under this project would be made available to other agencies.

- Provide a detailed budget for the project.

The cooperative agreement awarded under this priority area will fund that portion of the proposed project which is not paid for through title IV-E administrative costs and the appropriate State matching funds, since discretionary financial assistance may not be used to fund activities which can be supported and claimed through entitlement programs. Thus, the discretionary funds awarded for this project may only pay for that portion of the project which cannot normally be claimed under title IV-E. The activities proposed in this cooperative agreement are allowable costs under title IV-E administrative costs to the extent that they improve the efficiency and effectiveness of the title IV-E program. The costs of such activities, however, must be allocated based on the proportion of title IV-E children served by the applicant agency.

**Project Duration:** The length of the project must not exceed 48 months. The timing and duration of each phase will be proposed by the applicant.

**Federal Share of Project Costs:** The maximum Federal share of the project must not exceed:

- \$800,000 in discretionary funds, over the life of the four year project, which may be used on behalf of nontitle IV-E eligible children served by the applicant agency under the project, plus

- 50 percent of the allowable title IV-E administrative costs that may be claimed based on the percentage of title IV-E eligible children served by the system developed during the period of the project. The title IV-E administrative costs must be claimed on the quarterly IV-E-12 submittal in the customary manner.

**Matching Requirement:** There is no non-Federal matching requirement for the Federal discretionary cooperative agreement of \$800,000 for this project. The minimum non-Federal matching requirement by the applicant agency for title IV-E administrative costs must equal 50 percent of allowable IV-E administrative costs. The actual amount of allowable title IV-E administrative costs depends upon the percentage of title IV-E eligible children served by the system that is developed during the period of the project.

**Examples of the Budget Matching Formula:**

Example 1: Based on the assumption that 40 percent of the caseload in the subject agency is title IV-E eligible.

Source of funds	4-year cost
Title IV-E administrative costs (40 percent of project cost) .....	400,000
Federal share of IV-E allowable administrative costs at 50 percent .....	200,000
Non-Federal match for IV-E allowable administrative costs at 50 percent .....	200,000
Total budget.....	1,000,000

Example 2: Based on the assumption that 27 percent of the caseload in the subject agency is title IV-E eligible.

Source of funds	3-year cost
Federal discretionary grant (73 percent of project cost) .....	\$600,000
Title IV-E administrative costs (27 percent of project cost) .....	221,918
Federal share of IV-E allowable administrative costs at 50 percent .....	110,959
Non-Federal match for IV-E allowable administrative costs at 50 percent .....	110,959
Total budget.....	821,918

**Anticipated Number of Projects to be Funded:**

It is anticipated that 2 cooperative agreements will be funded: one from a State administered State; and one from a State or county agency in a State supervised-county administered State. Projects will be funded as cooperative agreements with ACF.

**CFDA: 93.647 Social Services Research and Demonstration; Section 1110 of the Social Security Act, as amended.**

**4.02 Multi-State Foster Care Data Archive**

**Eligible Applicants:** State or local, public or nonprofit, agencies, universities, and nonprofit organizations or institutions.

**Purpose:** To support the development, implementation and maintenance of a single multi-State foster care data archive, utilizing State administrative data, for use in policy development and research.

**Background Information:** For many years, concerns have been raised about the lack of information available on children in foster care and their families. To address some of these concerns, in 1986 Congress amended title IV-E of the Social Security Act by adding section 479 which required the Federal Government to institute a foster care and adoption data collection system. In response to this legislative mandate, the Administration for Children and Families (ACF) will soon implement the Adoption and Foster Care Analysis and Reporting System (AFCARS). The AFCARS will collect information on children in foster care and children adopted through the public child welfare

Source of funds	4-year cost
Federal discretionary grant (60 percent of project cost) .....	\$600,000

system. The system will be mandatory, and the failure of a State to participate will result in financial penalties.

Although AFCARS will substantially improve information available on children in foster care and children being adopted, it is not intended to, nor will it ever, provide all of the information necessary to develop policy at the Federal, State and local levels on this population of children. There are, however, other existing data sources that have historically been underutilized. Primary among these are the statewide information and tracking systems on children in foster care established to meet the requirements of Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980. In addition, States have other administrative databases which relate to children in foster care, such as data on payments made for services provided to these children.

Other relevant administrative databases available at the State level may include data on Medicaid utilization, education, Aid to Families with Dependent Children (AFDC) or Child Support Enforcement, and data maintained by vital statistics offices. These and other administrative databases maintained by the States can be used to provide detailed information on foster care population changes over time, services being utilized and their costs, and comparisons of how foster care children and their families might differ in the frequency of their receipt of services or participation in various programs from other children and their families.

The proposed project will be voluntary for the States and should include a wider range of information and data sources than will be mandated by AFCARS. Information generated by the project will be used to supplement information generated by AFCARS and will provide an opportunity for detailed longitudinal studies of children in foster care.

Analytical work utilizing State administrative data has been conducted by the Chapin Hall Center for Children at the University of Chicago. Chapin Hall staff have worked with the States of Illinois, New York, Michigan and California to develop comparable analytical files and to conduct analyses addressing such issues as the use of relative foster care and the placement histories of children. The process of developing comparable analytical files and conducting parallel analyses across States requires extensive work with State staff and with university-based or nonprofit research institute-based researchers to gain access to the data.

create analytical files and analyze the data. The goal of the project to be funded under this priority area is to have at least ten large States actively participating in this single effort by the end of five years.

*Minimum Requirements for Project Design:* This is a five year cooperative agreement project in which substantial Federal involvement is anticipated. The specific respective responsibilities of Federal staff and the awardee will be negotiated prior to the grant award. In order to compete successfully under this priority area, the applicant should:

- Describe the applicant's experience in developing analytical files from large, complex case-specific databases; conducting analyses of case-specific child welfare and other related administrative data files; linking data through time and from different databases; and developing and maintaining data archives and insuring the confidentiality of the data. Also describe the hardware and software currently available to the applicant in the conduct of the project as well as additional hardware and/or software needed to conduct the project.

- Describe how at least ten large States would be identified and recruited to participate in the project. This should include a discussion of how State staff and university researchers would be identified; how access to the administrative databases would be achieved; how the appropriateness of administrative databases would be assessed; and how full participation of the States would be assured by the end of the project.

- Describe how technical assistance in developing analytical files and conducting analyses would be delivered to those States which need it.

- Describe how an advisory committee for the project would be established. The project advisory committee should be composed of both State agency and university researchers as well as policymakers and practitioners and other interested persons in this area. A discussion of the composition and function of the committee should be included in the application.

- Describe the reports that would be developed under the project, including the types of information that would be presented, and the steps, including submission for publication to referred journals, that would be undertaken to disseminate and promote the utilization of project findings. Also describe how information on project findings would be disseminated to both participating and non-participating States.

- Describe how support would be obtained from sources other than this cooperative agreement during the period of the project to enhance its work and how the project would continue with funds from other sources after the five-year project period has ended.

- Provide assurances that the principal investigator would attend a 2-3 day annual meeting of grantees in Washington, DC.

- Outline a plan of interaction with the Administration for Children and Families (ACF) for the implementation of the project under a cooperative agreement including, as appropriate, activities involving Headquarters and Regional Office staff.

*Project Duration:* The length of the project must not exceed 60 months.

*Federal Share of Project Costs:* The maximum Federal share is not to exceed \$300,000 per 12-month budget period.

*Matching Requirement:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$1,500,000 is \$500,000 for a 5-year project period. This constitutes 25 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that 1 project will be funded.

*CFDA: 93.647 Social Services Research and Demonstration, Section 1110 of the Social Security Act, as amended.*

#### 4.03 Transfer of International Innovations

*Eligible Applicants:* Any State, local, or public nonprofit organization or agency (including colleges and universities) in the United States or other countries may apply to this priority area.

*Purpose:* To improve the quality, accessibility and accountability of social service programs in the United States by transferring to this country innovations occurring in social service delivery systems in other countries, particularly community-based solutions to meet the social service needs of children and families at risk.

In light of the HHS Secretary's Eastern European initiative, applications that propose cooperation with social service organizations in the "emerging democracies" of Eastern Europe are encouraged. This is not meant to exclude applications that propose cooperation with social services organizations in other parts of the world, but aims to focus the attention of some of the applications to this geographic area of interest.

*Background information:* While the United States is a natural field for research and demonstration in the area

of social services, we can gain considerable insight from other countries through a knowledge of their social service programs, authorizations, governance, and delivery systems. Transferring these innovations can lead to an enhancement of, or adaptations to, our domestic social service activities.

The "Transfer of International Innovations" priority area included in the FY 1990 and 1991 CDP announcements listed the titles of and the grantees for the seventeen projects that had been funded under this priority area in previous years. The subjects of these projects include:

- Improved learning and living environments of children in underprivileged communities;
- Job placement for low-income unemployed youth;
- Home-based intervention for low-income minority preschool children and mothers;
- Community self-help associations: mediating structures for volunteers/professionals;
- Opening technology to the developmentally disabled;
- Exchange of technology regarding spina bifida;
- Innovative social service techniques for working with the Latino family;
- Decentralization of services for the disabled;
- Micro-enterprise credit and technical assistance;
- Family preservation; and
- Developmental disabilities and concomitant severe behavioral and psychiatric disorders.

In earlier years, the "Transfer of International Innovations" priority area solicited proposals related to aging. Since the Administration on Aging is not organizationally located within the Administration for Children and Families, projects related to aging and aging issues are not being solicited. The subjects of the aging-related projects that were funded include:

- Income generating projects for the elderly;
- Increasing self-sufficiency and self-esteem in old age through employment;
- Home care for the elderly;
- Application of innovative techniques to study and improve the quality of care in domiciliary care facilities; and,
- Community-based and in-home services for frail and economically disadvantaged elderly;

During the FY 1991 CDP process, an additional four projects were funded:

- "Developing Child Welfare Ombudsman Programs in the United States" by the American Bar Association's Center on Children and

the Law in Chicago. The project will investigate programs which provide ombudsman services to children and parents involved in public child protection and child welfare systems throughout the world.

- "Going Local: Patch and Neighborhood Approaches—A Transfer from the United Kingdom" by the University of Iowa's School of Social Work. The project aims to improve social services for children, youth, and families using a policy process analysis which demonstrates the transferable elements of the British "Patch" system of community-based service delivery through demonstration in an Iowa county.

- "Personal Assistance Services—International Models for U.S. Adaptation and Replication" by the World Institute on Disability in Oakland, California. The project will explore exemplary, consumer-driven European personal assistance services for the disabled, especially Eastern European models, for replication.

- "Transfer of International Innovations—Development of A Clinical Monitoring System to Support Foster Care in Michigan" by the Merrill-Palmer Institute at Wayne State Institute, Detroit, Michigan. The project aims to enhance effective and accountable services via the transfer of an innovative clinical information system for foster care.

*Minimum Requirements for Project Design:* In order to compete successfully under this priority area, the application should:

- Be relevant to domestic research with the possibility of complementing ongoing or new projects in the United States.

- Have the promise of contributing significantly to the achievement of one or more of the major ACF goals and be of benefit to one or more of the ACF target groups—Native Americans, the social and economically needy, refugees, the developmentally disabled, and at-risk children, youth, and families.

- Relate to the U.S. commitment to its participation in international organizations, both governmental and nongovernmental, and to United Nations-sponsored events, such as the International Year of the Family—1994 and follow-up to the World Summit for Children, the UN Decade of Disabled Persons and the UN International Youth Decade.

- Include an adequate mechanism to allow for wide dissemination and replication of project findings.

- Indicate a focus either in the United States or shared with the transferring country. The focus cannot be

exclusively in another country. The application must include a U.S. component and a U.S. project director or co-director.

*Project Duration:* The length of the project must not exceed 36 months.

*Federal Share of Project Costs:* The maximum Federal share of the project is not to exceed \$100,000 per budget period. Neither Federal funds nor the non-Federal match can be used for expenditures related to international travel. However, applicants may use other sources of funds available to them for this purpose.

*Matching Requirements:* The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$300,000 is \$100,000 for a 3-year project period. This constitutes 25 percent of the total project budget.

*Anticipated Number of Projects to be Funded:* It is anticipated that three projects will be funded.

*CFDA: 93.647 Social Services Research and Demonstration, Section 1110 of the Social Security Act, as amended.*

#### 4.04 Decategorization of Services

*Eligible Applicants:* State agencies currently implementing child welfare decategorization projects in one or more jurisdictions within the State (e.g., cities, counties).

*Purpose:* To demonstrate the benefits of decategorization of child welfare services on a community-wide basis, including pooled funding and collaborative planning. The purpose of the decategorization of services is to allow the community to implement a service delivery system that is family centered, comprehensive, flexible, and oriented to prevent out-of-home placement and serve troubled families and children.

*Background Information:* Over the past several years, there has been increasing interest in state child service systems change with the goal of improving the integration, coordination, and continuity of services available to families. One example of service system change has been to decategorize services at the local or community level. A few States have undertaken to restructure the delivery of child and family services by pooling numerous categorical funds and developing a comprehensive community planning process for the flexible and efficient use of the funding pool. This new approach allows for the development of more effective and efficient State and local methods of supporting vulnerable families and protecting children through

a service delivery system designed to be community-based, family centered, and oriented towards prevention of out-of-home placement. Such services emphasize family support, family preservation, family reunification, and services tailored to meet individual and family needs.

In large part, decategorization projects have been developed in response to escalating foster care placement rates and fragmented, complex patterns of categorical child welfare funding and services delivery. For example, funds typically are available for out-of-home placement but are more limited for prevention and placement-prevention efforts. Decategorization is seen as a means of deploying resources to support families more effectively.

Under decategorization, funding streams are combined to create a child welfare service fund within each county or other local jurisdiction participating in the program. These funding streams may include funds from such programs as Federal title IV-B child welfare services; State foster care; in-home services; State institutional care for delinquent, mentally ill, or mentally retarded children; adoption services; day care services; as well as direct agency staff funds.

All existing State projects are not identical but, based on descriptive material from current projects, each typically establishes a governance structure or mechanism, develops a community child welfare services plan, develops methods to maintain budget neutrality (no more money can be spent under the new system than would have been projected to have been spent under the prior system), and attempts to reduce excessive reliance on expensive out-of-home placements of children so that cost savings can be retained locally for reinvestment in enhanced community-based services.

Considerable collaboration between and among agencies is necessary; individual and family outcomes are primary measures of the success of the program.

**Minimum Requirements for Project Design:** In order to compete successfully under this priority area, the application should:

- Describe how the existing decategorization program provides for a service delivery system that is community-wide and locally managed and is based on a community child welfare services plan. (The project is not required to be Statewide.)

- Identify the several categorical sources of funding which have been combined in a single child welfare fund.

- Describe the existing joint governance structure of the project, (e.g.,

the local county director of social services, the chief juvenile court judge, and the county board of supervisors) and any planned modification.

- Describe how the existing project utilizes a system that is flexible in providing a comprehensive program of services to meet the child welfare and social service needs of children and families, including the delivery of services based on the needs of families and children rather than on categorical criteria and the availability of categorical funding.

- Describe how early intervention and prevention services are emphasized to reduce the likelihood of larger problems or entrenchment of existing problems within families. Describe current and proposed efforts to reduce excessive reliance on expensive placements of children (residential, out-of-state placements) so that child placements are not at great distances from their homes and those funds can be retained locally for investment in community-based services.

- Indicate the mechanisms used to assure collaboration among agencies and service providers which provide easy access to services on behalf of families, e.g., uncomplicated, flexible collaborations and client movements among service providers, an intake process that is uniform across entry points, and a data/information exchange process among agencies.

- Describe how the State plans to use the additional funds under this announcement including any proposed modifications or changes to the existing decategorization effort.

- Include a detailed plan for a credible third party evaluation. The evaluation must, at minimum, contain a process evaluation explaining how the new system was developed and implemented, its strengths and weaknesses, and its effect on program administration. In addition, the evaluation must describe decategorization's effect on service delivery, including an assessment of whether there was improvement in the match between services needed and those provided, the efficiency and timeliness of service delivery, and the overall volume of services. At least one third of project costs must be set aside for the evaluation.

- Include an assurance that Federal funds under this announcement will not be used for the direct provision of services and will not supplant State and local funds currently being utilized for the decategorization effort. Funds made available under this announcement may be used for activities such as planning, administration (including personnel),

coordination, training, data collection, and other activities directed at improving the coordination of services.

**Project Duration:** The length of the project period must not exceed 17 months.

**Federal share of Project Costs:** The maximum Federal share will not exceed \$300,000 depending on the scope of the project proposed.

**Matching Requirements:** The minimum non-Federal matching requirement in proportion to the maximum Federal share of \$300,000 is \$100,000. This constitutes 25 percent of the total project budget.

**Anticipated Number of Projects to be Funded:** It is anticipated that no more than four projects will be funded.

**CFDA: 93.647 Social Services Research and Demonstration:** Section 1110 of the Social Security Act, as amended.

#### Part IV—Instructions for the Development and Submission of Applications

This part contains information and instructions for submitting applications in response to this announcement. Application forms are provided along with a checklist for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area descriptions are in part III.

##### A. Required Notification of the State Single Point of Contact

All applications under the following priority areas are required to follow the Executive Order (E.O.) 12372 process:

1.01-1.08 Head Start

1.22-1.29 Child Abuse and Neglect

All States and territories, except Alaska, Idaho, Kansas, Louisiana, Minnesota, Nebraska, Pennsylvania, Oregon, Virginia, American Samoa and Palau, have elected to participate in the Executive Order process and have established a State Single Point of Contact (SPOC). Applicants from these areas need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372.

It is imperative that the applicant submit all required materials to the SPOC and indicate the date of this submittal (or date SPOC was contacted, if no submittal is required) on the SF

424, item 16a. The SPOCs will be notified of any applicant not indicating SPOC contact on the application, when SPOC contact is required. ACF must obligate the funds for these awards by September 30, 1992. Therefore, the required 60-day comment period for State processes' review and recommendation has been reduced and will end on September 11, 1992, in order for ACF to review, consider and attempt to accommodate SPOC input.

These comments are reviewed as part of the award process. Failure to notify the SPOC can result in a delay in grant award. This process of notifying the State Single Point of Contact is required when a program is covered under E.O. 12372, "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. Therefore, the applicant should contact his or her SPOC directly to determine what materials, if any, the SPOC requires. Contact information for each State's SPOC is found at the end of this part.

The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to differentiate clearly between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule. It is helpful in tracking SPOC comments if the SPOC will clearly indicate the applicant organization as it appears on the application Standard Form (SF) 424. When comments are submitted directly to ACF, they should be addressed to the application mailing address located in Part I of this announcement.

#### B. Deadline for Submittal of Applications

The closing date for submittal of applications under this program announcement is August 10, 1992. Applications must be either postmarked or hand-delivered no later than August 10, 1992, to the address indicated in part I of this announcement.

Hand-delivered applications will be accepted Monday through Friday prior to and on August 10, 1992, during the working hours of 9 a.m. to 5:30 p.m. in the lobby of the Mary E. Switzer building located at 330 C Street, SW., in Washington, DC. When hand-delivering an application prior to the deadline, call

(202) 755-4560 or (202) 205-9860 from the lobby for pick up. A staff person will be available to receive applications.

An application will be considered as meeting the deadline if it is either:

1. Received at, or hand-delivered to, the mailing address on or before August 10, 1992, or,

2. Postmarked on August 10, 1992, or before and received in time to be considered during the competitive review process expected to be held within four weeks of the deadline date.

When mailing proposal packages, applicants are strongly advised to obtain a legibly dated receipt from a commercial carrier (such as UPS, Federal Express, etc.) or from the U.S. Postal Service as proof of mailing by the deadline date. If there is a question as to when an application was mailed, applicants will be asked to provide proof of mailing by the deadline date. If proof is not provided, an application will not be considered for funding. Private metered postmarks are not acceptable as proof of timely mailing.

Applications which do not meet the August 10, 1992, deadline are considered late applications and will not be considered or reviewed in the current competition. The ACF will send a letter to this effect to each late applicant.

The ACF reserves the right to extend the deadline for all applicants due to acts of God, such as floods, hurricanes or earthquakes; if there is widespread disruption of the mail; or if ACF determines a deadline extension to be in the best interest of the Government. However, ACF will not waive or extend the deadline for any applicant unless the deadline is waived or extended for all applicants.

#### C. Instructions for Preparing the Application and Completing Application Forms

The SF 424, SF 424A, SF 424A, Page 2 and certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms directly from the *Federal Register* announcement, as they are printed on both sides of the page.

In order to assist applicants in correctly completing the SF 424 and SF 424A, a sample of completed forms has been included at the end of part IV of this announcement. This sample is to be used only as a guide for submitting your application.

Where specific information is not required under this program, NA (not

applicable) has been preprinted on the form.

Please prepare application in accordance with the following instructions:

##### 1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

*Top of Page.* Enter the single priority area number under which the application is being submitted. An application should be submitted under only one priority area.

*Item 1. "Type of Submission"*—Preprinted on the form.

*Item 2. "Date Submitted" and "Applicant Identifier"*—Date application is submitted to ACF and applicant's own internal control number, if applicable.

*Item 3. "Date Received By State"*—State use only (if applicable).

*Item 4. "Date Received by Federal Agency"*—Leave blank.

*Item 5. "Applicant Information"*

*"Legal Name"*—Enter the legal name of applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

*"Organizational Unit"*—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant organization, leave the organizational unit blank.

*"Address"*—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing.

*"Name and telephone number of the person to be contacted on matters involving this application (give area code)"*—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

*Item 6. "Employer Identification Number (EIN)"*—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

*Item 7. "Type of Applicant"*—Self-explanatory.

*Item 8. "Type of Application"*—Preprinted on the form.

*Item 9. "Name of Federal Agency"*—Preprinted on the form.

*Item 10. "Catalog of Federal Domestic Assistance Number and Title"*—Enter the Catalog of Federal Domestic Assistance (CFDA) number assigned to the program under which assistance is requested and its title, as indicated in the relevant priority area description.

**Item 11. "Descriptive Title of Applicant's Project"** Enter the project title. The title is generally short and is descriptive of the project, not the priority area title.

**Item 12. "Areas Affected by Project"**—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

**Item 13. "Proposed Project"**—Enter the desired start date for the project and projected completion date.

**Item 14. "Congressional District of Applicant/Project"**—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If statewide, a multi-State effort, or nationwide, enter "00."

**Items 15. Estimated Funding Levels**

In completing 15a through 15f, the dollar amounts entered should reflect, for a 17 month or less project period, the total amount requested. If the proposed project period exceeds 17 months, enter only those dollar amounts needed for the first 12 months of the proposed project.

**Item 15a.** Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

**Items 15b-e.** Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b-e are considered cost-sharing or "matching funds." The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see part III, sections E and F, and the specific priority area description.

**Item 15f.** Enter the estimated amount of income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

**Item 15g.** Enter the sum of items 15a-15e.

**Item 16a. "Is Application Subject to Review By State Executive Order 12372 Process? Yes."**—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of part IV. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until September 11, 1992.

**Item 16b. "Is Application Subject to Review By State Executive Order 12372 Process? No."**—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

**Item 17. "Is the Applicant Delinquent on any Federal Debt?"**—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

**Item 18. "To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded."**—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

**Item 18a-c. "Typed Name of Authorized Representative, Title, Telephone Number"**—Enter the name, title and telephone number of the authorized representative of the applicant organization.

**Item 18d. "Signature of Authorized Representative"**—Signature of the authorized representative named in item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

**Item 18e. "Date Signed"**—Enter the date the application was signed by the authorized representative.

**2. SF 424A—Budget Information—Non-Construction Programs**

This is a form used by many Federal agencies. For this application, sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year budget period, if the proposed project period exceeds 17 months.

**Section A—Budget Summary.** This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

**Section B—Budget Categories.** This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers (1) the total project period of 17 months or less or (2) the first year budget period if the proposed project period exceeds 17 months. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate budget justification should be included to explain fully and justify major items, as indicated below. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to

provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

**Personnel—Line 6a.** Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, "Other."

**Justification:** Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

**Fringe Benefits—Line 6b.** Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

**Justification:** Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

**Travel—6c.** Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, "Other."

**Justification:** Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

**Equipment—Line 6d.** Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, "equipment" is non-expendable tangible personal property having a useful life of more than two years and an acquisition cost of \$5,000 or more per unit. For all other applicants, the threshold for equipment is \$500 or more per unit. The higher threshold for State and local governments became effective October 1, 1988, through the implementation of 45 CFR Part 92, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

**Justification:** Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

**Supplies—Line 6e.** Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

**Justification:** Specify general categories of supplies and their costs.

**Contractual—Line 6f.** Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated

total costs are not available or have not been negotiated, include on Line 6h, "Other."

**Justification:** Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section 8, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements.

**Construction—Line 6g.** Not applicable. New construction is not allowable.

**Other—Line 6h.** Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: Insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as "miscellaneous" and "honoraria" are not allowable.

**Justification:** Specify the costs included.

**Total Direct Charges—Line 6i.** Enter the total of Lines 6a through 6h.

**Indirect Charges—6i.** Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter "none." Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant. In the case of training grants to other than State or local governments (as defined in title 45, Code of Federal Regulations, part 74), the Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for direct costs, exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the project. The Federal share of indirect costs is calculated as shown above. The applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a') by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b') at 8 percent of the amount allowed

for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract (b') from (a'). The remainder is what the applicant can claim as part of its matching cost contribution.

**Justification:** Enclose a copy of the indirect cost rate agreement. Applicants subject to the limitation on the Federal reimbursement of indirect costs for training grants should specify this.

**Total—Line 6k.** Enter the total amounts of lines 6i and 6j.

**Program Income—Line 7.** Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

**Justification:** Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

**Section C—Non-Federal Resources.** This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled "Totals." In-kind contributions are defined in title 45 of the Code of Federal Regulations, § 74.51, as "property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant."

**Justification:** Describe third party in-kind contributions, if included.

**Section D—Forecasted Cash Needs.** Not applicable.

**Section E—Budget Estimate of Federal Funds Needed For Balance of the Project.** This section should only be completed if the total project period exceeds 17 months.

**Totals—Line 20.** For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column "(b) First." If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under "(c) Second." Columns (d) and (e) are not applicable in most instances, since ACF funding is almost always limited to a three-year maximum project period. They should remain blank.

**Section F—Other Budget Information.**

**Direct Charges—Line 21.** Not applicable.

**Indirect Charges—Line 22.** Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

**Remarks—Line 23.** If the total project period exceeds 17 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

### 3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300

words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos (please note that audiovisuals should be closed captioned). The project summary description, together with the information on the SF 424, will constitute the project "abstract." It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

At the bottom of the page, following the summary description, type up to 10 key words which best describe the proposed project, the service(s) involved and the target population(s) to be covered. The key words are to be selected from the list provided at the end of part IV of this announcement. These key words will be used for computerized information retrieval for specific types of funded projects.

### 4. Program Narrative Statement

The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in part III. The narrative should also provide information concerning how the application meets the evaluation criteria (see section C, part III), using the following headings:

- (a) *Objectives and Need for Assistance;*
- (b) *Results and Benefits Expected;*
- (c) *Approach;* and
- (d) *Staff Background and Organization's Experience.*

The specific information to be included under each of these headings is described in section C of part III, Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8 1/2" x 11" plain white paper, with 1" margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with "Objectives and Need for Assistance" as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

The length of the application, including the application forms and all attachments, should not exceed 60 pages. A page is a single side of an 8 1/2 x 11" sheet of paper. Applicants are requested not to send pamphlets, brochures or other printed-material along with their application as these pose xeroxing difficulties. These materials, if submitted, will not be included in the review process if they exceed the 60-page limit. Each page of the application will be counted to determine the total length.

### 5. Organizational Capability Statement

The Organizational Capability Statement should consist of a brief (two to three pages)

background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

#### 6. Part V—Assurances/Certifications

Applicants are required to file an SF 424B, Assurances—Non-Construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must provide certifications regarding: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities. These two certifications are self-explanatory. Copies of these assurances/certifications are reprinted at the end of this announcement and should be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities certifications.

For research projects in which human subjects may be at risk, a Protection of Human Subjects Assurance may be required. If there is a question regarding the applicability of this assurance, contact the Office for Research Risks of the National Institutes of Health at (301) 496-7041.

#### D. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

- One original, signed and dated application, plus two copies. Applications for different priority areas are packaged separately;
- Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement);
- Application length does not exceed 60 pages, unless otherwise specified in the priority area description.

A complete application consists of the following items in this order:

- Application for Federal Assistance (SF 424, REV 4-88);
- A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable;
- Budget Information—Non-Construction Programs (SF 424A, REV 4-88);
- Budget justification for Section B—Budget Categories;
- Table of Contents;
- Letter from the Internal Revenue Service to prove non-profit status, if necessary;

- Copy of the applicant's approved indirect cost rate agreement, if appropriate;
- Project summary description and listing of key words;
- Program Narrative Statement (See part III, section C);
- Organizational capability statement, including an organization chart;
- Any appendices/attachments;
- Assurances—Non-Construction Programs (Standard Form 424B, REV 4-88);
- Certification Regarding Lobbying; and
- Certification of Protection of Human Subjects, if necessary.

#### E. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, survey instruments or articles of incorporation.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application and of the four digit identification number assigned to their application. This number and the priority area must be referred to in ALL subsequent communication with ACF concerning the application. If acknowledgment of receipt of your application is not received within eight weeks after the deadline date, please notify ACF by telephone at (202) 755-4560.

Dated: June 3, 1992.

**Jo Anne B. Barnhart,**  
Assistant Secretary for Children and Families.

**Wade F. Horn,**  
Commissioner, Administration on Children, Youth and Families.

**S. Timothy Wapato,**  
Commissioner, Administration for Native Americans.

**Howard Rolston,**  
Director, Office of Policy and Evaluation.

**Eunice S. Thomas,**  
Director, Office of Community Services.

**Deborah L. McFadden,**  
Commissioner, Administration on Developmental Disabilities.

**Executive Order 12372—State Single Points of Contact**

#### Alabama

**Mrs. Moncell Thornell,** State Single Point of Contact, Alabama Department of Economic

and Community Affairs, 3465 Norman Bridge Road, Post Office Box 250347, Montgomery, Alabama 36125-0347. Telephone (205) 284-8905.

#### Alaska

None.

#### Arizona

**Mrs. Janice Dunn, Attn: Arizona State Clearinghouse,** 3800 N. Central Avenue, 14th Floor, Phoenix, Arizona 85012. Telephone (602) 280-1315.

#### Arkansas

**Mr. Joseph Gillespie, Manager, State Clearinghouse,** Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203. Telephone (501) 371-1074.

#### California

**Glenn Stober, Grants Coordinator,** Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814. Telephone (916) 323-7480.

#### Colorado

**State Single Point of Contact,** State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203. Telephone (303) 866-2156.

#### Connecticut

**Under Secretary, Attn: Intergovernmental Review Coordinator,** Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106-4459. Telephone (203) 566-3410.

#### Delaware

**Francine Booth, State Single Point of Contact,** Executive Department, Thomas Collins Building, Dover, Delaware 19903. Telephone (302) 736-3326.

#### District of Columbia

**Lovetta Davis, State Single Point of Contact,** Executive Office of the Mayor, Office of Intergovernmental Relations, Room 416, District Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004. Telephone (202) 727-9111.

#### Florida

**Karen McFarland, Director,** Florida State Clearinghouse, Executive Office of the Governor, The Capitol, Office of Planning and Budgeting, Tallahassee, Florida 32399-0001. Telephone (904) 488-8114.

#### Georgia

**Charles H. Badger, Administrator,** Georgia State Clearinghouse, 270 Washington Street, SW, Atlanta, Georgia 30334. Telephone (404) 656-3855.

#### Hawaii

**Harold S. Masumoto, Acting Director,** Office of State Planning, Department of Planning and Economic Development, Office of the Governor, State Capitol—Room 406, Honolulu, Hawaii 96813. Telephone (808) 548-5893, FAX (808) 548-8172.

*Idaho*

None.

*Illinois*

Tom Berkshire, State Single Point of Contact, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Telephone (217) 782-8639.

*Indiana*

Frank Sullivan, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232-5610.

*Iowa*

Steven R. McCann, Division of Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone (515) 281-3725.

*Kansas*

None.

*Kentucky*

Debbie Anglin, State Single Point of Contact, Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Telephone (502) 564-2382.

*Louisiana*

None.

*Maine*

State Single Point of Contact, ATTN: Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289-3261.

*Maryland*

Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, Telephone (301) 225-4490.

*Massachusetts*

State Single Point of Contact, ATTN: Beverly Boyle, Executive Office of Communities and Development, 100 Cambridge Street, Room 1803, Boston, Massachusetts 02202, Telephone (617) 727-7001.

*Michigan*

Milton O. Waters, Director of Operations, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, Lansing, Michigan 48909, Telephone (517) 373-7111.

Please direct correspondence to: Manager, Federal Project Review, Michigan Neighborhood Builders Alliance, Michigan Department of Commerce, P.O. Box 30242, Lansing, Michigan 48909, Telephone (517) 373-6223.

*Minnesota*

None.

*Mississippi*

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, Office of Policy Development, 421 West Pascagoula Street, Jackson, Mississippi 39203, Telephone (601) 960-4280.

*Missouri*

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751-4834.

*Montana*

Deborah Stanton, State Single Point of Contact, Intergovernmental Review Clearinghouse, c/o Office of Budget and Program Planning, Capitol Station, Room 202—State Capitol, Helena, Montana 59620, Telephone (406) 444-5522.

*Nebraska*

None.

*Nevada*

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 687-4420, Attention: John B. Walker, Clearinghouse Coordinator.

*New Hampshire*

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271-2155.

Please direct correspondence and questions to: Attention: Jim Bieber, Telephone (603) 271-2155.

*New Jersey*

Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-6613.

Please direct correspondence and questions to: Nelson S. Silver, State Review Process, Division of Local Government Services, CN 803, Trenton, New Jersey 08625-0803, Telephone (609) 292-9025.

*New Mexico*

Aurelia M. Sandoval, State Budget Division, Department of Finance & Administration, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827-3640, FAX (505) 827-3006.

*New York*

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474-1605.

*North Carolina*

Mrs. Chrys Baggett, Director, Intergovernmental Relations, N.C. Department of Administration, 116 W. Jones Street, Raleigh, North Carolina 27611, Telephone (919) 733-0499.

*North Dakota*

William Robinson, State Single Point of Contact, Office of Intergovernmental Affairs, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Telephone (701) 224-2094.

*Ohio*

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State

Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266-0411, Telephone (614) 466-0698.

*Oklahoma*

Don Strain, State Single Point of Contact, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Telephone (405) 843-9770.

*Oregon*

None.

*Pennsylvania*

None.

*Rhode Island*

Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277-2656.

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning.

*South Carolina*

Danny L. Cromer, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734-0493.

*South Dakota*

Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, Telephone (605) 773-3212.

*Tennessee*

Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741-1676.

*Texas*

Thomas Adams, Office of Budget and Planning, Office of the Governor, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463-1778.

*Utah*

Carolyn Wright, Office of Planning and Budget, Utah State Clearinghouse, Room 116, State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538-1535.

*Vermont*

Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828-3326.

*Virginia*

None.

*Washington*

Marilyn Dawson, Washington Intergovernmental Review Process, Department of Community Development, 9th and Columbia Building, Mail Stop GH-51, Olympia, Washington 98504-4151, Telephone (206) 753-4978.

*West Virginia*

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348-4010.

*Wisconsin*

William C. Carey, Federal State Relations, IGA Relations, 101 South Webster Street, P.O. Box 7864, Milwaukee, Wisconsin 53707, Telephone (608) 266-1741.

Please direct correspondence and question to: William C. Carey, Section Chief, Federal-State Relations Office, Wisconsin Department of Administration, Telephone (608) 266-0267.

*Wyoming*

Ann Redman, State Single Point of Contact, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Telephone (307) 777-7574.

*American Samoa*

None.

*Guam*

Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472-2285.

*Northern Mariana Islands*

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950.

*Palau*

None.

*Puerto Rico*

Patria Custodio/Israel Soto Marrero, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940-9985, Telephone (809) 727-4444.

*Virgin Islands*

Jose L. George, Director, Office of Management and Budget, No. 32 & 33 Kongens Gade, Charlotte Amalie, V.I. 00802, Telephone (809) 774-0750.

**List of Key Words**

Abandoned infants/children  
Abuse  
Accreditation  
Administration  
Adoption  
Advocacy and guardianship  
Adult day care (use home care with aging and elderly)  
Adults  
African Americans  
Aging and elderly  
Aging-out  
Agriculture  
Alcoholism  
Allied professional education  
Alternative financing  
Archive  
Asians  
At-risk youth  
Audio-visual

Barrier-free design  
Blacks  
Budgeting and finance  
Business development training  
Cable television  
Career and vocational education  
Caregiving  
Case management  
Challenge grants  
Child abuse and neglect  
Child care  
Child care centers  
Child development  
Child health  
Child protective services  
Child welfare  
Children  
Clearinghouse  
Client outcome measures  
Coalitions  
Collaboration  
Colleges  
Community  
Community care  
Community-based  
Community college  
Community integration  
Community foundation  
Competitive employment  
Comprehensive care  
Computer networks  
Computers  
Conferences  
Congregate housing  
Consumer education  
Continuing education  
Contracting  
Cooperative agreement  
Cooperatives  
Coordination  
Coordinated services  
Correctional facilities  
Corrections  
Counseling  
Courts  
Crisis intervention  
Crisis nurseries  
Cross-cultural  
Cross-cutting  
Cultural activities  
Cultural sensitivity  
Curriculum  
Curriculum development  
Data collection  
Day care  
Day care centers  
Decategorization  
Deinstitutionalization  
Design  
Developmental child care  
Developmental disabilities  
Disabilities  
Disabled  
Dissemination  
Dropouts  
Dysfunctional families  
Drug-exposed infants  
Economic development  
Education and training  
Effectiveness measures  
Efficiency  
Elderly persons  
Emergency services  
Emergency shelters  
Employer-supported human services  
Employment

Entrepreneurship  
Environment  
Environmental design  
Environmental protection  
Evaluation  
Exploited youth  
Families  
Family counseling  
Family day care  
Family preservation  
Family violence  
Fellowships  
Field initiated  
Films  
Finance  
Fire safety  
Fiscal management  
Food and nutrition  
Food banks  
Forecasting  
Foster care  
Foster grandparents  
Foundations  
Frail elderly  
Friendly visitors  
Gerontology training  
Group homes  
Guardianship  
Handbooks  
Head Start  
Head Start children with handicaps  
Health  
Higher education  
Hispanics  
Historically Black Colleges and Universities (use HBCU)  
Home-based services  
Home care  
Home equity conversions  
Homeless  
Hospitals  
Hospices and nursing homes  
Housing  
Human services  
Immigrants and refugees  
Immunization  
Income generation  
Independent living  
Indians  
Infants and toddlers  
Informal caregivers  
Information centers  
Information and referral  
Information transfer  
In-home care  
Institutionalization  
Information transfer  
Interagency cooperation  
Interdisciplinary  
Intergenerational  
International  
Interstate agreements  
Intervention  
Intrafamilial  
Investigations  
Isolated elderly  
Job bank  
Job clubs  
Job placement  
Judicial system  
Juvenile justice  
Latchkey and school-age children  
Law enforcement  
Legal  
Legal counseling

Legislation and model codes	Placement prevention	Social services
Liability and legal issues	Physically disabled	Software
Linkages	Planning	Special education
Literacy	Prenatal substance abuse	Special needs adoption
Living skills	Preschools	Speech impairment
Local government	Prevention	Standards
Low-cost alternatives	Preventive care	States
Low-income	Primary schools	Stipends
Males	Private sector	Substance abuse
Mainstreaming	Professional education	Support groups
Management	Prostitution	Synthesis
Management information systems	Protective services	Target populations
Management training	Public education	Taxes
Manuals	Public/private partnership	Teaching
Marketing	Public-private cooperation	Technical assistance
Materials	Radio	Technology
Meals	Rate-setting	Technology transfer
Mediating structures	Readiness skills	Teenage parents
Media	Recreation	Teenage pregnancy
Medical	Recruitment	Telecommunications
Mental health	Recycling	Television
Mentally disabled	Referral	Temporary child care
Mentors	Refugees	Therapeutic day care
Microcomputers	Relative foster care	Toddlers
Migrants	Religious institution(s)	Training
Military	Replication	Training of trainers
Minorities	Research	Transitional Living
National	Research center	Transitioning
Native Alaskans	Residential care	Transportation
Native Americans	Resource allocation	Treatment
Native Hawaiians	Resource center	Tribally Controlled Community Colleges
Needs assessment	Respite care	Unemployed
Neglect	Retirement	University
Networking	Runaway and homeless youth	Urban
Newsletters	Rural	Urban Indian Centers
Newspapers	Samoans	User fees
Nursing homes	School-age children	Veterans
Nutrition counseling	Secondary schools	Video
Older persons	Self-care	Visual impairment
On-the-job training	Self-help	Vocational training
Outreach	Self-sufficiency	Volunteers
Parent	Seminars	Vouchers
Parent involvement	Service integration	Women
Parent education	Sexual abuse	Workplace
Pediatric AIDS	Sheltered workshops	Workshops
Peer counseling	Siblings	Youth
Performance-based contracting	Single parents	
Permanency planning	Small business	

BILLING CODE 4130-01-M

Priority Area Number /1.16/

OMB Approval No. 0348-0043

APPLICATION FOR  
FEDERAL ASSISTANCE

		2. DATE SUBMITTED 05/08/92	Applicant Identifier
1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
5. APPLICANT INFORMATION			
Legal Name Children's Center		Organizational Unit:	
Address (give city, county, state, and zip code):  3242 Montgomery Street Trenton, NJ 08650		Name and telephone number of the person to be contacted on matters involving this application (give area code)  Harriet Thomas (609) 555-8237	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 0 8 - 7 6 5 4 3 2 1			
7. TYPE OF APPLICANT: (enter appropriate letter in box) A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) <u>Nonprofit Org.</u>			
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award      B. Decrease Award      C. Increase Duration D. Decrease Duration      Other (specify): _____			
9. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 9 3 = 6 0 8			
10. TITLE: Child Welfare R&D			
11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Specialized Family Foster Care			
12. AREAS AFFECTED BY PROJECT (cites, counties, states, etc.): Mercer County, N.J.			
13. PROPOSED PROJECT: Start Date 01/01/92      Ending Date 09/30/95		14. CONGRESSIONAL DISTRICTS OF: a. Applicant 5      b. Project 5	
15. ESTIMATED FUNDING: a. Federal \$ 75,000 .00 b. Applicant \$ 25,000 .00 c. State \$ .00 .00 d. Local \$ .00 .00 e. Other \$ .00 .00 f. Program Income \$ .00 .00 g. TOTAL \$ 100,000 .00			
16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE 05/01/92 b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes      If "Yes," attach an explanation. <input checked="" type="checkbox"/> No			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED			
a. Typed Name of Authorized Representative Alice Farber		b. Title Executive Director	
d. Signature of Authorized Representative <i>Alice Farber</i>		c. Telephone number 609/555-8235	
e. Date Signed 05/08/92			

Previous Editions Not Usable

Standard Form 424 (REV 4-88)  
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

## BUDGET INFORMATION — Non-Construction Programs

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds			New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)	
1. Child Welfare	93.608	\$	\$	\$ 75,000	\$ 25,000	\$ 100,000	
2.							
3.							
4.							
5. TOTALS				\$ 75,000	\$ 25,000	\$ 100,000	
<b>SECTION B - BUDGET CATEGORIES</b>							
<b>Object Class Categories</b>		GRANT, PROGRAM, FUNCTION OR ACTIVITY			Total (5)		
a. Personnel	\$	\$	\$	\$	\$	\$ 60,000	
b. Fringe Benefits	NA	NA	NA	NA	NA	9,000	
c. Travel	NA	NA	NA	NA	NA	2,000	
d. Equipment	NA	NA	NA	NA	NA	5,000	
e. Supplies	NA	NA	NA	NA	NA	3,500	
f. Contractual	NA	NA	NA	NA	NA	15,500	
g. Construction	NA	NA	NA	NA	NA	NA	
h. Other	NA	NA	NA	NA	NA	5,000	
i. Total Direct Charges (sum of 6a - 6h)	NA	NA	NA	NA	NA	100,000	
j. Indirect Charges	NA	NA	NA	NA	NA	0	
k. TOTALS (sum of 6i and 6j)	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA	\$ 100,000	
l. Program Income	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA	\$ 0	

Standard Form 424A (4-86)  
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) Totals	
8.	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA
9.	NA	NA	NA	NA	NA
10.	NA	NA	NA	NA	NA
11.	NA	NA	NA	NA	NA
12. TOTALS (sum of lines 8 and 11)	\$ 25,000	\$ 0	\$ 0	\$ 25,000	

SECTION D - FORECASTED CASH NEEDS					
	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
13. Federal	\$ NA	\$ NA	\$ NA	\$ NA	
14. NonFederal	NA	NA	NA	NA	
15. TOTAL (sum of lines 13 and 14)	\$ NA	\$ NA	\$ NA	\$ NA	

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
	FUTURE FUNDING METHODS (Year)				
(a) Grant Program	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	NA	NA	\$ NA	\$ NA	
17.	NA	NA	NA	NA	
18.	NA	NA	NA	NA	
19.	NA	NA	NA	NA	
20. TOTALS (sum of lines 16-19)	\$ 70,000	\$ 60,000	\$	\$	

SECTION F - OTHER BUDGET INFORMATION		
(Attach additional Sheets if Necessary)		
21. Direct Charges:	NA	
22. Indirect Charges:	NA	
23. Remarks	Non-Federal Share of Project Cost: \$23,333 (2nd year); \$20,000 (3rd year)	

APPLICATION FOR FEDERAL ASSISTANCE		Priority Area Number <input type="text"/>		OMB Approval No. 0348-0043
1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		2. DATE SUBMITTED <input type="text"/> Preapplication <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE <input type="text"/> Applicant Identifier
				4. DATE RECEIVED BY FEDERAL AGENCY <input type="text"/> State Application Identifier
				5. FEDERAL IDENTIFIER <input type="text"/> Federal Identifier
6. APPLICANT INFORMATION				
Legal Name: <input type="text"/>		Organizational Unit: <input type="text"/>		
Address (give city, county, state, and zip code): <input type="text"/>		Name and telephone number of the person to be contacted on matters involving this application (give area code) <input type="text"/>		
7. EMPLOYER IDENTIFICATION NUMBER (EIN): <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		8. TYPE OF APPLICANT: (enter appropriate letter in box)		
		A. State <input type="checkbox"/> State	B. County <input type="checkbox"/> County	C. Municipal <input type="checkbox"/> Municipal
		D. Township <input type="checkbox"/> Township	E. Interstate <input type="checkbox"/> Interstate	F. Intermunicipal <input type="checkbox"/> Intermunicipal
		G. Special District <input type="checkbox"/> Special District	H. Independent School Dist. <input type="checkbox"/> Independent School Dist.	I. State Controlled Institution of Higher Learning <input type="checkbox"/> State Controlled Institution of Higher Learning
		J. Private University <input type="checkbox"/> Private University	K. Indian Tribe <input type="checkbox"/> Indian Tribe	L. Individual <input type="checkbox"/> Individual
		M. Profit Organization <input type="checkbox"/> Profit Organization	N. Other (Specify): <input type="text"/>	
9. NAME OF FEDERAL AGENCY: Administration for Children and Families				
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>				
11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: <input type="text"/>				
12. PROPOSED PROJECT: Start Date <input type="text"/> Ending Date <input type="text"/>		14. CONGRESSIONAL DISTRICTS OF: a. Applicant <input type="text"/> b. Project <input type="text"/>		
15. ESTIMATED FUNDING: a. Federal \$ <input type="text"/> .00 b. Applicant \$ <input type="text"/> .00 c. State \$ <input type="text"/> .00 d. Local \$ <input type="text"/> .00 e. Other \$ <input type="text"/> .00 f. Program Income \$ <input type="text"/> .00 g. TOTAL \$ <input type="text"/> .00				
16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: <input type="text"/> DATE <input type="text"/> b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW				
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No				
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED				
a. Typed Name of Authorized Representative <input type="text"/>		b. Title <input type="text"/>		c. Telephone number <input type="text"/>
d. Signature of Authorized Representative <input type="text"/>				e. Date Signed <input type="text"/>

Previous Editions Not Usable

Standard Form 424 (REV 4-88)  
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
<b>5. TOTALS</b>		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES							
		GRANT PROGRAM, FUNCTION OR ACTIVITY					
(1)		(2)		(3)		(4)	
<b>6. Object Class Categories</b>		\$	NA	\$	NA	\$	NA
a. Personnel		\$	NA	\$	NA	\$	NA
b. Fringe Benefits		NA		NA		NA	
c. Travel		NA		NA		NA	
d. Equipment		NA		NA		NA	
e. Supplies		NA		NA		NA	
f. Contractual		NA		NA		NA	
g. Construction		NA		NA		NA	
h. Other		NA		NA		NA	
i. Total Direct Charges (sum of 6a - 6h)		NA		NA		NA	
j. Indirect Charges		NA		NA		NA	
<b>k. TOTALS (sum of 6i and 6j)</b>		\$	NA	\$	NA	\$	NA
<b>7. Program Income</b>		\$	NA	\$	NA	\$	NA

Authorized for Local Reproduction

Standard Form 424A (4-88)  
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES					
	(a) Grant Program	(b) Apportion	(c) State	(d) Other Sources	(e) TOTALS
6.	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA
7.	NA	NA	NA	NA	NA
8.	NA	NA	NA	NA	NA
9.	NA	NA	NA	NA	NA
10.	NA	NA	NA	NA	NA
11.	NA	NA	NA	NA	NA
12. TOTALS (sum of lines 6 and 11)	\$	\$	\$	\$	\$

## SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	2nd Quarter			3rd Quarter	4th Quarter
		(a) First	(b) Second	(c) Third		
13. Federal	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA
14. Nonfederal	NA	NA	NA	NA	NA	NA
15. TOTAL (sum of lines 13 and 14)	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

	(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
		(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA	\$ NA
17.	NA	NA	NA	NA	NA	NA
18.	NA	NA	NA	NA	NA	NA
19.	NA	NA	NA	NA	NA	NA
20. TOTALS (sum of lines 16-19)	\$	\$	\$	\$	\$	\$

## SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	NA	22. Indirect Charges:	
23. Remarks			

SF 424A (4-88) Page 2  
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

OMB Approval No. 0348-0040

**Assurances—Non-Construction Programs**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other

nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (Pub. L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (Pub. L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (Pub. L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with Pub. L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (Pub. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official

Title: \_\_\_\_\_

Applicant Organization: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

**Certification Regarding Lobbying**

*Certification for Contracts, Grants, Loans and Cooperative Agreements*

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made

or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

*Statement for Loan Guarantees and Loan Insurance*

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

\_\_\_\_\_  
Signature

Title \_\_\_\_\_

Organization \_\_\_\_\_

Date \_\_\_\_\_

Grant Number \_\_\_\_\_

BILLING CODE 4130-01-M

## DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

Approved by OM  
0348-0046

<p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>		<p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. initial award  <input type="checkbox"/> c. post-award</p>		<p><b>3. Report Type:</b></p> <p><input type="checkbox"/> a. initial filing  <input type="checkbox"/> b. material change</p> <p><b>For Material Change Only:</b>  year _____ quarter _____  date of last report _____</p>	
<p><b>4. Name and Address of Reporting Entity:</b></p> <p><input type="checkbox"/> Prime      <input type="checkbox"/> Subawardee  Tier _____, if known:</p>		<p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b></p>			
<p>Congressional District, if known:</p>		<p>Congressional District, if known:</p>			
<p><b>6. Federal Department/Agency:</b></p>		<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable: _____</p>			
<p><b>8. Federal Action Number, if known:</b></p>		<p><b>9. Award Amount, if known:</b>  \$ _____</p>			
<p><b>10. a. Name and Address of Lobbying Entity</b>  (if individual, last name, first name, MI):</p>		<p><b>b. Individuals Performing Services (including address if different from No. 10a)</b>  (last name, first name, MI):</p>			
<p>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</p>					
<p><b>11. Amount of Payment (check all that apply):</b></p> <p>\$ _____      <input type="checkbox"/> actual      <input type="checkbox"/> planned</p>		<p><b>13. Type of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. retainer  <input type="checkbox"/> b. one-time fee  <input type="checkbox"/> c. commission  <input type="checkbox"/> d. contingent fee  <input type="checkbox"/> e. deferred  <input type="checkbox"/> f. other; specify: _____</p>			
<p><b>12. Form of Payment (check all that apply):</b></p> <p><input type="checkbox"/> a. cash  <input type="checkbox"/> b. in-kind; specify: nature _____  value _____</p>					
<p><b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</b></p>					
<p>(attach Continuation Sheet(s) SF-LLL-A, if necessary)</p>					
<p><b>15. Continuation Sheet(s) SF-LLL-A attached:</b>      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p>					
<p><b>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>					
<p><b>Signature:</b> _____</p> <p><b>Print Name:</b> _____</p> <p><b>Title:</b> _____</p> <p><b>Telephone No.:</b> _____ <b>Date:</b> _____</p>					

**Instructions for Completion of SF-LLL,  
Disclosure of Lobbying Activities**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier.

Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the

reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Note: Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

**U.S. Department of Health and Human Services**  
**Certification Regarding Drug-Free Workplace Requirements**  
**Grantees Other Than Individuals**

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

**"Controlled substance"** means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

**"Conviction"** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

**"Criminal drug statute"** means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

**"Employee"** means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

**The grantee certifies that it will or will continue to provide a drug-free workplace by:**

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code) \_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions**

*Instructions for Certification*

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services' (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when HHS determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the HHS agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549: 45 CFR part 76. See the attached definitions.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by HHS.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," provided by HHS, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A

participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, HHS may terminate this transaction for cause or default.

**Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transactions**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Grant No. \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions**

*Instructions for Certification*

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which

reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549: 45 CFR part 76. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations or the definitions.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a

participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

#### Certification Regarding Debarment, Suspension Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in its transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### Definitions

(From 45 CFR Part 76, Governmentwide Debarment and Suspension (Nonprocurement))

*Covered transaction.* For purposes of these regulations, a covered transaction is a primary covered transaction or a lower tier covered transaction. Covered transactions at any tier need not involve the transfer of Federal funds.

(i) *Primary covered transaction.* Except as noted in paragraph (a)(2) of this section, a primary covered transaction is any nonprocurement transaction between an agency and a person, regardless of type, including: Grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other nonprocurement transactions between a Federal agency and a person. Primary covered transactions also include those transactions specially designated by the U.S.

Department of Housing and Urban Development in such agency's regulations governing debarment and suspension.

(ii) *Lower tier covered transaction.* A lower tier covered transaction is:

(A) Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction.

(B) Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold fixed at 10 U.S.C. 2304 (g) and 41 U.S.C. 253 (g) (currently \$25,000) under a primary covered transaction.

(C) Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. Such persons are:

(1) Principal investigators.  
(2) Providers of federally-required audit services.

(3) Researchers.

*Debarment.* An action taken by a debarring official in accordance with these regulations to exclude a person from participating in covered transactions. A person so excluded is "debarred."

*Ineligible.* Excluded from participation in Federal nonprocurement programs pursuant to a determination of ineligibility under statutory, executive order, or regulatory authority, other than Executive Order 12549 and its agency implementing regulations; for example, excluded pursuant to the Davis-Bacon Act and its implementing regulations, the equal employment opportunity acts and executive orders, or the environmental protection acts and executive orders. A person is ineligible where the determination of ineligibility affects such person's eligibility to participate in more than one covered transaction.

*Participant.* Any person who submits a proposal for, enters into, or reasonably may be expected to enter into a covered transaction. This term also includes any

person who acts on behalf of or is authorized to commit a participant in a covered transaction as an agent or representative of another participant.

*Person.* Any individual, corporation, partnership, association, unit of government or legal entity, however organized, except: Foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities.

*Principal.* Officer, director, owner, partner, key employee, or other person within a participant with primary management or supervisory responsibilities; or a person who has a critical influence on or substantive control over a covered transaction, whether or not employed by the participant. Persons who have a critical influence on or substantive control over a covered transaction are:

(i) Principal investigators.  
(ii) Researchers.

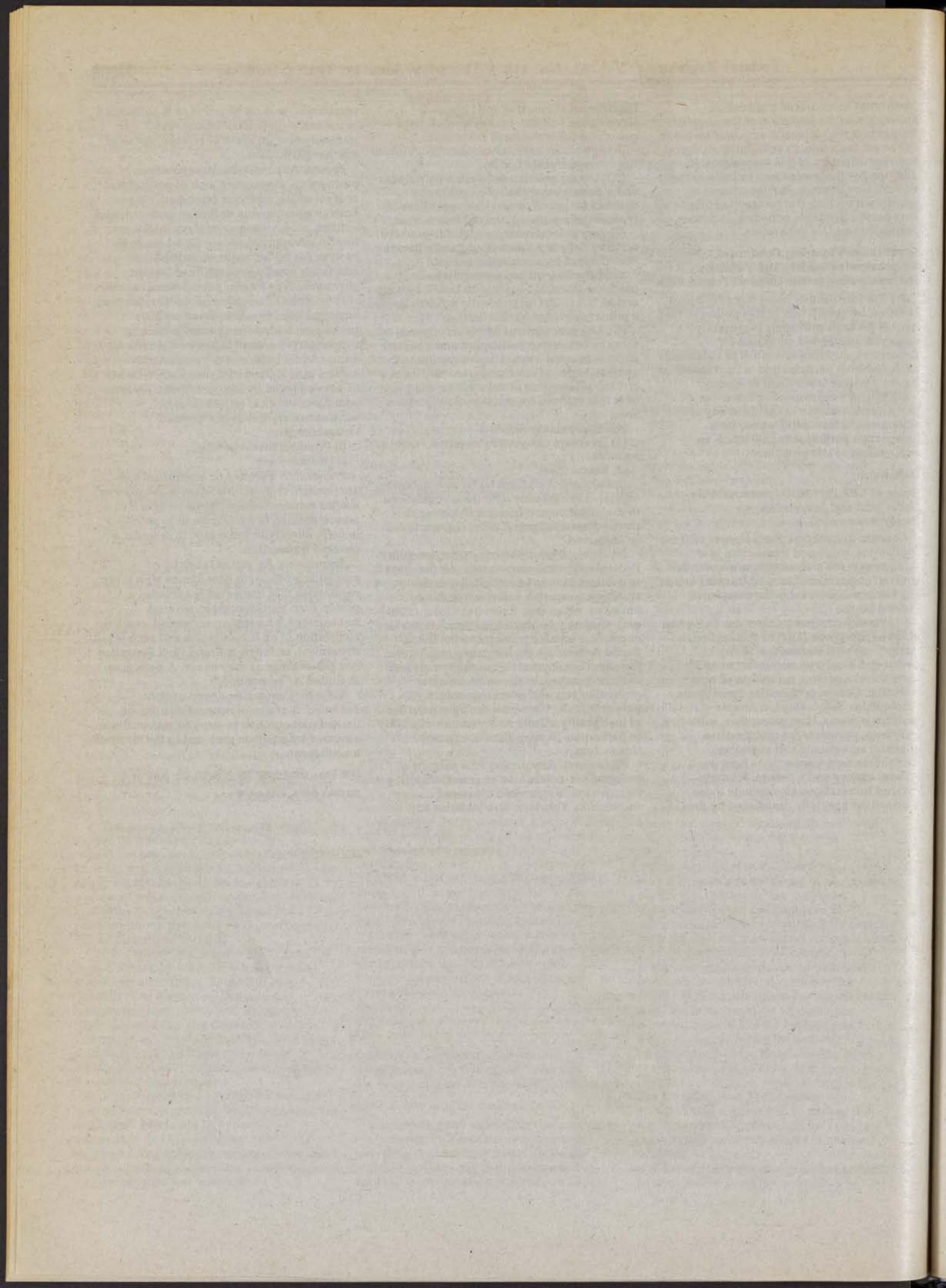
*Proposal.* A solicited or unsolicited bid, application, request, invitation to consider or similar communications by or on behalf of a person seeking to participate or to receive a benefit, directly or indirectly, in or under a covered transaction.

*Suspension.* An action taken by a suspending official in accordance with these regulations that immediately excludes a person from participating in covered transactions for a temporary period, pending completion of an investigation and such legal, debarment, or Program Fraud Civil Remedies Act proceedings as may ensue. A person so excluded is "suspended."

*Voluntary exclusion or voluntarily excluded.* A status of nonparticipation or limited participation in covered transactions assumed by a person pursuant to the terms of a settlement.

[FR Doc. 92-13356 Filed 6-10-92; 8:45 am]

BILLING CODE 4130-01-M



**fedERAL REGISTrATION**

---

Thursday  
June 11, 1992

---

**Part III**

**Department of  
Justice**

---

**Office of Justice Programs**

---

**28 CFR Part 32**

**Public Safety Officers' Benefits Program;  
Regulations Revision; Rule**

**DEPARTMENT OF JUSTICE****Office of Justice Programs****28 CFR Part 32****Revision of the Regulations for the Public Safety Officers' Benefits Program****AGENCY:** Bureau of Justice Assistance, Office of Justice Programs, Justice.**ACTION:** Final rule.

**SUMMARY:** The regulations covering public safety officers' death benefits and the appendix to those regulations are being revised to comply with the statutory amendments to the Public Safety Officers' Benefits (PSOB) Act (the "Act"). The revisions to the regulations will implement these statutory amendments which provide a lump sum benefit to Federal, State and local public safety officers who become permanently and totally disabled as the direct result of a catastrophic personal injury received in the line of duty.

**EFFECTIVE DATE:** This regulation is effective June 11, 1992.

**FOR FURTHER INFORMATION CONTACT:**

William F. Powers, Director, Public Safety Officers' Benefits Office, 633 Indiana Avenue, NW., Washington, DC 20531. Telephone (202) 307-0635.

**SUPPLEMENTARY INFORMATION:** Title XIII of Public Law 101-647, 104 Stat. 4834-35, amends section 1201 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3796-3796c, to provide benefits to public safety officers who have become permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty. Catastrophic injury is defined to mean "consequences of an injury that permanently prevent an individual from performing any gainful work." Section 1301(c), Public Law 101-647, 104 Stat. 4834. Thus, a Federal, State or local public safety officer injured in the line of duty who is permanently prevented from performing any gainful work is, by statutory definition, permanently and totally disabled.

The Bureau of Justice Assistance (BJA) on October 3, 1991 published in the **Federal Register** (56 FR 50160) proposed changes in the regulations for the Public Safety Officers' Benefits Program (PSOB) to accommodate the new disability program. Reviewers were invited to comment for a thirty-day period ending on November 4, 1991.

Several comments were received. However, these commentators simply expressed support for the statutory amendment that authorized new

benefits eligibility for public safety officers who have become permanently and totally disabled by a catastrophic personal injury sustained in the line of duty.

One commentator, the International Association of Fire Fighters (IAFF), expressed concern that the criteria specified as essential to a PSOB eligibility determination for the disability award might be adopted by State and local officials for similar disability programs in their jurisdictions. Following review, BJA concurred in the validity of the IAFF's concern on this intergovernmental issue affecting the nation's public safety officers.

Accordingly, a new paragraph, (3), has been added to § 32.2(p). The new section makes clear that the criteria specified for PSOB's "Prerequisite Disability Certification" are not intended to influence nor affect in any way the substantive or procedural provisions of public safety disability programs administered at the State and local levels of government.

In its administration of the disability program, the Public Safety Officers' Benefits Office (the "Office") will examine and validate the following prerequisite disability certifications prior to acceptance of a claim for determination of benefits eligibility under the statute, regulations and policies of the PSOB disability program. The Office's validation of the listed disability certifications, therefore, is prerequisite to initiation of eligibility determination procedures and the award or denial of the prescribed PSOB disability benefit. Accordingly, one of the following must be received by the Office before validation can occur:

a. The employing agency's official, certified award to the claimant public safety officer of its maximum disability finding and compensation, including the officer's permanent and complete separation from the employing public safety agency as specified in 28 CFR 32.2 (p)(1); or

b. If the employing agency does not itself make such disability awards, then an official, certified award to the claimant, public safety officer by the cognizant judicial, political or administrative agency or body of its maximum disability finding and compensation, including the officer's permanent and complete separation from the employing public safety agency as specified in § 32.2 (p)(2).

Following its review and validation of a public safety officer's prerequisite permanent and total disability as specified in the cited certifications, the Office will execute and complete its final disability benefits eligibility

analysis and findings in accordance with the Act and its implementing regulations.

To determine whether or not a public safety officer will be unable permanently to perform any "gainful work" as defined in § 32.2(q), medical experts designated by the Office will examine a claimant public safety officer's "residual functional capacity" as defined in 28 CFR 32.2(r). Residual functional capacity is what a disabled public safety officer can still do despite limitations imposed by a disability.

Residual functional capacity is a medical determination to be made by the Office's designated medical experts. The medical determination will be based on examination of prerequisite disability certifications as specified in 28 CFR 32.2, (p) (1) and (2), and examination by these medical experts of any additional case specific medical documentation necessary to a medical assessment and determination of residual functional capacity.

If these medical experts determine that the level of a public safety officer's residual functional capacity permanently will prevent that individual from performing any gainful work, the Office will make a finding of permanent and total disability and award the prescribed disability benefit to the claimant. If the Office's medical experts determine that the level of a public safety officer's residual functional capacity will not permanently prevent that individual from performing any gainful work, the Office will make a finding of ineligibility for the prescribed disability payment.

If the Office's medical experts are unable to make a definitive determination as to whether or not a public safety officer's residual functional capacity will prevent that individual permanently from performing any gainful work, the Office will examine, in addition to the findings of its medical experts, a disabled public safety officer's "age," "education" and "work experience" as specified and defined in 28 CFR 32.2 (s), (t) and (u) to assess residual functional capacity and to determine whether or not the public safety officer permanently will be prevented from performing any gainful work.

To ensure accurate, timely and systematic review and determination of disability claims, the existing PSOB death benefit regulations have been amended where necessary to accommodate definitions and procedures essential to the administration of the disability program. The existing regulations were first

published on May 6, 1977. Since that time, the Office has awarded approximately \$185 million to eligible beneficiaries in 3,100 line-of-duty deaths.

That extended experience and the existing regulations have facilitated development of the disability program and its implementing regulations. For example, 32.3 has been amended to include permanently and totally disabled public safety officers as eligible recipients of the prescribed benefits payment. Additionally, disability benefits are included in references to the disqualifying conditions specified in §§ 32.6-32.9.

Additional payment conditions are delineated at 32.18(c). This regulation articulates a statutory prohibition on death benefit payments if a decedent public safety officer had been a recipient of a PSOB disability award.

The amended regulations at § 32.20(c) ensure adequate time for a claimant to file for the disability benefit. Where, for example, eligible beneficiaries may file for death benefits for up to 1 year following a public safety officer's death, disability applicants may file for up to one year following receipt of the required prerequisite disability certification.

This standard recognizes that such certification will be awarded at some substantial time subsequent to the injury that caused the disability. A disability claimant, therefore, will have a full year to apply for the PSOB benefit after having received the qualifying disability certification as specified in § 32.2(p) (1) and (2).

Similarly, a number of the definitions in 32.2 have been amended to ensure achievement of the disability amendment's legislative objectives and to implement the functional procedures essential to program administration. For example, § 32.2(d) now defines "direct" or "proximate" in addition to the existing definition for "direct and proximate," while § 32.2(e) now defines "injury" as well as the existing definition for "personal injury."

Definitions unique to the disability program are included throughout § 32.2. For example, § 32.2(f) adheres precisely to the statutory definition of "catastrophic injury," while "permanent and total disability," "gainful work," "residual functional capacity," "education" and "work experience" are defined at § 32.2 (h), (g), (r), (t) and (u) respectively.

Finally, § 32.24 has been amended to conform the Office's appeal procedures to denials of disability claims.

Accordingly, a public safety officer denied disability benefits may request

reconsideration of the denial decision within 30 days after notification of benefits ineligibility.

As with a death benefits appeal, an oral appeal hearing will be scheduled within 60 days of the reconsideration request, and a new benefits adjudication will be made in accordance with the regulatory procedures specified in §§ 2.24 (a) through (i).

#### Executive Order 12291

These regulations are not a "major rule" as defined by section 1(b) of Executive Order No. 12291, 3 CFR part 127 (1981), because they do not result in: (a) an effect on the economy of \$100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

#### Regulatory Flexibility Act

These regulations are not a rule within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612. These regulations will not have a "significant" economic impact on a substantial number of small "entities," as defined by the Regulatory Flexibility Act.

#### Paperwork Reduction Act

The collection of information requirements contained in this rule have been approved by the Office of Management and Budget under OMB No. 1121-0166 pursuant to the Paperwork Reduction Act, 44 U.S.C. 3504(h).

#### List of Subjects in 28 CFR Part 32

Administrative practice and procedure, Claims, Emergency medical services, Firefighters, Law enforcement officers, and Reporting and recordkeeping requirements.

For the reasons set out in the preamble, part 32, title 28, of the Code of Federal Regulations is revised to read as follows:

### PART 32—PUBLIC SAFETY OFFICERS' DEATH AND DISABILITY BENEFITS

#### Subpart A—Introduction

##### Sec.

- 32.1 Purpose and OMB control number.
- 32.2 Definitions.

#### Subpart B—Officers Covered

- 32.3 Coverage.
- 32.4 Reasonable doubt of coverage.
- 32.5 Findings of State, local, and Federal agencies.
- 32.6 Conditions on payment.
- 32.7 International misconduct of the officer.
- 32.8 Intention to bring about death or permanent and total disability.
- 32.9 Voluntary intoxication.

#### Subpart C—Beneficiaries

- 32.10 Order of priority.
- 32.11 Contributing factor to death.
- 32.12 Determination of relationship of spouse.
- 32.13 Determination of relationship of child.
- 32.14 Determination of relationship of parent.
- 32.15 Determination of dependency.

#### Subpart D—Interim and Reduced Death Payments

- 32.16 Interim payment in general.
- 32.17 Repayment and waiver of repayment.
- 32.18 Reduction of payment.

#### Subpart E—Filing and Processing of Claims

- 32.19 Persons executing claims.
- 32.20 Claims.
- 32.21 Evidence.
- 32.22 Representation.

#### Subpart F—Determination, Hearing, and Review

- 32.23 Finding of eligibility or ineligibility.
- 32.24 Request for a hearing.

#### Subpart G—National Programs for Families of Public Safety Officers Who Have Died in the Line of Duty

- 32.25 National programs.

#### Appendix to Part 32—PSOB Hearing and Appeal Procedures

**Authority:** Part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42. U.S.C. 3711 *et seq.*).

#### Subpart A—Introduction

##### § 32.1 Purpose and OMB control number.

(a) The purpose of this part is to implement the Public Safety Officers' Benefits Act of 1976, as amended, which authorizes the Bureau of Justice Assistance, Office of Justice Programs, to pay a benefit of \$100,000, adjusted in accordance with § 32.3(b), to specified survivors or public safety officers found to have died as the direct and proximate result of a personal injury sustained in the line of duty, and to claimant public safety officers found to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty. The Act also authorizes funds to establish national programs to assist the families of public safety officers who have died in the line of duty. (The Act is part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3711 *et seq.*)

(b) The information collection requirements in this part have been approved by the Office of Management and Budget and have been assigned OMB control number 1121-0166.

##### § 32.2 Definitions.

(a) *The Act* means the Public Safety Officers' Benefits Act of 1976, 42 U.S.C.

3796, et seq., Pub. L. 94-430, 90 Stat. 1346 (September 29, 1976), as amended.

(b) (1) *Bureau* or *BJA* means the Bureau of Justice Assistance of the Office of Justice Programs;

(2) *PSOB* means the Public Safety Officers' Benefits Program of the Bureau of Justice Assistance.

(c) *Line of duty* means:

(1) Any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer is compensated, by the public agency he serves. For other officers, "line of duty" means any action the officer is so obligated or authorized to perform in the course of controlling or reducing crime, enforcing the criminal law, or suppressing fires; and

(2) Any action which an officially recognized or designated public employee member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.

(d) *Direct and proximate, direct, or proximate* means that the antecedent event is a substantial factor in the result.

(3) *Personal injury or injury* means any traumatic injury, as well as diseases which are caused by or result from such an injury, but not occupational diseases.

(f) *Catastrophic injury* means consequences of an injury that permanently prevent an individual from performing any gainful work.

(g) *Traumatic injury* means a wound or a condition of the body caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects or other physical blows, chemicals, electricity, climatic conditions, infectious diseases, radiation, and bacteria, but excluding stress and strain.

(h) *Permanent and total disability* means medically determinable consequences of a catastrophic, line-of-duty injury that permanently prevent a former public safety officer from performing any gainful work.

(i) *Occupational disease* means a disease which routinely constitutes a special hazard in, or is commonly regarded as a concomitant of the officer's occupation.

(j) *Public safety officer* means any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, rescue squad member or ambulance crew member.

(k) *Public agency* means the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territories of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States, or any unit of local government, department, agency, or instrumentality of any of the foregoing.

(l) *Public employee* means an employee of a public agency.

(m) *Law enforcement officer* means any individual involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal law, including but not limited to police, corrections, probation, parole, and judicial officers.

(n) *Firefighter* includes any individual serving as an officially-recognized or designated member of a legally-organized volunteer fire department.

(o) *Rescue squad or ambulance crew member* means an officially recognized or designated employee or member of a rescue squad or ambulance crew.

(p) *Prerequisite disability certification* means:

(1)(i) The employing agency's official, certified award to the claimant public safety officer of its maximum disability finding and compensation, including the officer's permanent and complete separation from the employing public safety agency as the direct result of an injury sustained in the line of duty; or

(ii) If the employing agency does not itself make such disability awards, then an official, certified award to the claimant public safety officer by the cognizant judicial, political or administrative agency or body of its maximum disability finding and compensation, including the officer's permanent and complete separation from the employing public safety agency as the direct result of an injury sustained in the line of duty.

(2) Nothing in this paragraph (p) shall be construed to affect State, municipal, or local laws, regulations, policies, or agencies, which have been or will be established for the purpose of granting public safety officer disability pensions, including heart and lung laws and similar benefits, nor is any standard for the granting of such benefits implied in any way by this part.

(q) *Gainful work* means work activity that is both substantial and gainful.

(1) *Substantial work activity* means work activity that involves doing significant physical or mental activities. Work may be substantial even if it is done on a part-time basis or if the public safety officer does less, gets paid less, or

has less responsibility than when he or she was a member of the former employing public safety agency.

(2) *Gainful work activity* means work activity that is done for pay or profit. Work activity is gainful if it is the kind of work usually done for pay or profit, whether or not a profit is realized or pay is received.

(r) *Residual functional capacity* means that which a former public safety officer can still do despite limitations imposed by a disability. Residual functional capacity is a medical assessment, a determination to be made by the Office's medical experts. Such medical determination will be based on examination of prerequisite disability certifications as specified in 28 CFR 32.2(p), and by examination of any additional case specific medical and other relevant documentation necessary to a medical assessment and determination of residual functional capacity.

(s) *Age* means a former public safety officer's chronological age, and the extent to which that individual's age affects his or her ability to adapt to a new work situation or to do work in competition with others. PSOB will evaluate age in the context of residual functional capacity within the following general parameters:

(1) *Youthful* means that a former public safety officer under age 50 will generally be considered able to adapt to a new work activity and environment.

(2) *Early middle age* means that a former public safety officer, between age 50 and age 59, will generally be considered to experience significant difficulty in adapting to a new work activity and environment.

(3) *Middle and advanced age* means that a former public safety officer age 60 or over will generally be considered to experience substantial difficulty in adapting to a new work activity or environment.

(t) *Education* means primarily the level and content of a former public safety officer's formal schooling, including vocational training. Education also includes completion of in-service training seminars and educational programs while a member of the former employing public safety agency or while formerly employed.

(u) *Work experience* means the skills and abilities acquired by the former public safety officer before, during and following service in the former public safety agency, suitable to use in adapting to a new work activity and environment.

(v) *Child* means any natural, illegitimate, adopted, or posthumous

child or stepchild of a deceased public safety officer who, at the time of the public safety officer's death, is:

- (1) Eighteen years of age or under;
- (2) Over eighteen years of age and a student, as defined in section 8101 of Title 5, United States Code; or
- (3) Over eighteen years of age and incapable of self-support because of physical or mental disability.

(w) *Stepchild* means a child of the officer's spouse who was living with, dependent for support on, or otherwise in a parent-child relationship, as set forth in § 32.13(b), with the officer at the time of the officer's death. The relationship of stepchild is not terminated by the divorce, remarriage, or death of the stepchild's natural or adoptive parent.

(x) *Student* means:

(1) An individual under 23 years of age who has not completed four years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an institution which is:

(i) A school or college or university operated or directly supported by the United States, or by a State or local government or political subdivision thereof;

(ii) A school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body;

(iii) A school or college or university not so accredited but whose credits are accepted, on transfer, by at least three institutions which are so accredited for credit on the same basis as if transferred from an institution so accredited; or

(iv) An additional type of educational or training institution as defined by the Secretary of Labor.

(2) An individual is deemed to be a student during an interim between school years if the interim is not more than 4 months and if the student shows to the satisfaction of the Bureau, that the student intends to pursue a full-time course of study or training during the semester or other enrollment period immediately after the interim or during periods of reasonable duration during which, in the judgment of the Bureau, the student is prevented by factors beyond the student's control from pursuing the student's education. A student whose 23rd birthday occurs during a semester or other enrollment period is deemed a student until the end of the semester or other enrollment period.

(y) *Spouse* means the husband or wife of the deceased officer at the time of the officer's death, and includes a spouse living apart from the officer at the time of the officer's death for any reason.

(z) *Dependent* means any individual who was substantially reliant for support upon the income of the deceased public safety officer.

(aa) *Intoxication* means a disturbance of mental or physical faculties:

(1) Resulting from the introduction of alcohol into the body as evidenced by—

(i) A blood alcohol level of .20 per centum or greater; or

(ii) A blood alcohol level of at least .10 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to the officer's death or catastrophic personal injury which resulted in permanent and total disability; or

(2) Resulting from drugs or other substances in the body.

(bb) *Rescue* means the provision of first response emergency medical treatment, transportation of persons in medical distress and under emergency conditions to medical care facilities, or search and rescue assistance in locating and extracting from danger persons lost, missing, or in imminent danger of bodily harm.

(cc) *Support* means food, shelter, clothing, ordinary medical expenses, and other ordinary and customary items for maintenance of the person supported.

## Subpart B—Officers Covered

### § 32.3 Coverage.

(a) When the Bureau determines under this part, that a public safety officer, as defined in § 32.2(h) has died or become permanently and totally disabled as the direct and proximate result of an injury sustained in the line of duty, the Bureau shall pay a benefit of \$100,000, adjusted in accordance with § 32.3 (b) or (c), subject to the conditions set forth in § 32.6. Payment of death benefits shall be made in the order specified in § 32.10.

(b) For the death benefit program, on October 1 of each fiscal year after October 15, 1988, the Bureau shall adjust the level of the death benefit payable immediately before such October 1 under paragraph (a) of this section, to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 1-year period ending on June 1 immediately preceding such October 1.

(c) For the disability benefit program, the annual cost of living adjustment shall be made in accordance with the effective date of the enactment of this program, *viz.* November 29, 1990.

(d) The amount payable under paragraph (a) of this section with

respect to the death or permanent and total disability of a public safety officer shall be the amount payable under paragraphs (b) or (c) of this section as of the date of death or permanent and total disability of such officer, as the case may be.

### § 32.4 Reasonable doubt of coverage.

The Bureau shall resolve any reasonable doubt arising from the circumstances of the officer's death or permanent and total disability in favor of payment of the death or disability benefit.

### § 32.5 Findings of State, local, and Federal agencies.

The Bureau will give substantial weight to the evidence and findings of fact presented by State, local, and Federal administrative and investigative agencies. The Bureau will request additional assistance or conduct its own investigation when it believes that the existing evidence does not provide the Bureau with a rational basis for a decision on a material element of eligibility.

### § 32.6 Conditions on payment.

(a) No benefit shall be paid—

(1) If the death or permanent and total disability was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about the officer's death or injury;

(2) If the public safety officer was voluntarily intoxicated at the time of the officer's death or catastrophic personal injury;

(3) If the public safety officer was performing the officer's duties in a grossly negligent manner at the time of the officer's death or catastrophic personal injury;

(4) To any individual who would otherwise be entitled to a benefit under this part if such individual's actions were a substantial contributing factor to the death of the public safety officer; or

(5) To any individual employed in a capacity other than a civilian capacity.

(b) The Act applies to State and local public safety officers killed in the line of duty on or after September 29, 1976; federal public safety officers killed on or after October 12, 1984; rescue squad or public emergency employees killed in the line of duty on or after October 15, 1986; and to each of these classes of officers permanently and totally disabled as a result of a catastrophic personal injury received in the line of duty on or after November 29, 1990.

**§ 32.7 Intentional misconduct of the officer.**

The Bureau will consider at least the following factors in determining whether death or permanent and total disability was caused by the intentional misconduct of the officer:

(a) Whether the conduct was in violation of rules and regulations of the employer, or ordinances and laws, and—

(1) Whether the officer knew the conduct was prohibited and understood its import;

(2) Whether there was a reasonable excuse for the violation; or

(3) Whether the rule violated is habitually observed and enforced;

(b) Whether the officer had previously engaged in similar misconduct;

(c) Whether the officer's intentional misconduct was a substantial factor in the officer's death or permanent and total disability; and

(d) Whether there was an intervening force which would have independently caused the officer's death or permanent and total disability and which would not otherwise prohibit payment of a benefit pursuant to this part.

**§ 32.8 Intention to bring about death or permanent and total disability.**

The Bureau will consider at least the following factors in determining whether the officer intended to bring about the officer's own death or injury:

(a) Whether the death or permanent and total disability was caused by insanity, through an uncontrollable impulse or without conscious volition to produce death or injury;

(b) Whether the officer had a prior history of attempted suicide or attempts to cause physical incapacitation;

(c) Whether the officer's intent to bring about the officer's death or injury was a substantial factor in the officer's death or permanent and total disability; and

(d) The existence of an intervening force or action which would have independently caused the officer's death or permanent and total disability and which would not otherwise prohibit payment of a benefit pursuant to this part.

**§ 32.9 Voluntary intoxication.**

The Bureau will apply the following evidentiary factors in cases in which voluntary intoxication is at issue in an officer's death or permanent and total disability.

(a) The primary factor in determining intoxication at the time the injury occurred, from which death or permanent and total disability resulted, is the blood alcohol level, including a

post-mortem blood alcohol level in the case of a death.

(1) Benefits will be denied if a deceased or permanently and totally disabled public safety officer had a blood alcohol level of .20 per centum or greater; or

(2) Benefits will be denied if a deceased or permanently and totally disabled public safety officer had a blood alcohol level of at least .10 per centum but less than .20 per centum unless the Bureau receives convincing evidence that the public safety officer was not acting in an intoxicated manner immediately prior to death or the receipt of a catastrophic personal injury.

(b) Convincing evidence includes, but is not limited to: Affidavits or investigative reports demonstrating that the deceased or permanently and totally disabled public safety officer's speech, movement, language, emotion, and judgment were normal (for the officer) immediately prior to the injury which caused the death or the permanent and total disability.

(c) In determining whether an officer's intoxication was voluntary, the Bureau will consider:

(1) Whether, and to what extent, the officer had a prior history of voluntary intoxication while in the line of duty;

(2) Whether and to what degree the officer had previously used the intoxicant in question; and

(3) Whether the intoxicant was prescribed medically and was taken within the prescribed dosage.

**Subpart C—Beneficiaries****§ 32.10 Order of priority.**

(a) When the Bureau had determined that a death benefit may be paid according to the provisions of subpart B of this part and § 32.11 of subpart C of this part, a benefit of \$100,000, adjusted in accordance with § 32.3(b), shall be paid in the following order of precedence:

(1) If there is no surviving child of such officer, to the surviving spouse of such officer;

(2) If there are a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares, and one-half to the surviving spouse;

(3) If there is no surviving spouse, to the surviving child or children of such officer in equal shares; or

(4) If none of the above in paragraphs (a)(1) through (3) of this section to the surviving parent, or to the surviving parents in equal shares.

(b) If no one qualifies as provided in paragraph (a) of this section, no benefit shall be paid.

**§ 32.11 Contributing factor to death.**

(a) No death benefit shall be paid to any person who would otherwise be entitled to a death benefit under this part if such person's intentional actions were a substantial contributing factor to the death of the public safety officer.

(b) When a potential beneficiary is denied death benefits under paragraph (a) of this section, the benefits shall be paid to the remaining eligible survivors, if any, of the officer as if the potential beneficiary denied death benefits did not survive the officer.

**§ 32.12 Determination of relationship of spouse.**

(a) Marriage should be established by one (or more) of the following types of evidence in the following order of preference:

(1) Copy of the public record of marriage, certified or attested, or by an abstract of the public record, containing sufficient data to identify the parties, the date and place of the marriage, and the number of prior marriages by either party if shown on the official record, issued by the officer having custody of the record or other public official authorized to certify the record, or a certified copy of the religious record of marriage;

(2) Official report from a public agency as to a marriage which occurred while the officer was employed with such agency;

(3) The affidavit of the clergyman or magistrate who officiated;

(4) The original certificate of marriage accompanied by proof of its genuineness and the authority of the person to perform the marriage;

(5) The affidavits or sworn statements of two or more eyewitnesses to the ceremony;

(6) In jurisdictions where "common law" marriages are recognized, the affidavits or certified statements of the spouse setting forth all of the facts and circumstances concerning the alleged marriage, such as the agreement between the parties at the beginning of their cohabitation, the period of cohabitation, places and dates of residences, and whether children were born as the result of the relationship. This evidence should be supplemented by affidavits or certified statements from two or more persons who know as the result of personal observation the reputed relationship which existed between the parties to the alleged marriage including the period of cohabitation, places of residences, whether the parties held themselves out as husband and wife and whether they

were generally accepted as such in the communities in which they lived; or

(7) Any other evidence which would reasonably support a belief by the Bureau that a valid marriage actually existed.

(b) BJA will not recognize a claimant as a "common law" spouse under § 32.12(a)(6) unless the State of domicile recognizes him or her as the spouse of the officer.

(c) If applicable, certified copies of divorce decrees of previous marriages or death certificates of the former spouses of either party must be submitted.

#### § 32.13 Determination of relationship of child.

(a) *In general.* A claimant is the child of a public safety officer if the individual's birth certificate shows the officer as the individual's parent.

(b) *Alternative.* If the birth certificate does not show the public safety officer as the claimant's parent, the sufficiency of the evidence will be determined in accordance with the facts of a particular case. Proof of the relationship may consist of—

(1) An acknowledgement in writing signed by the public safety officer; or  
 (2) Evidence that the officer has been identified as the child's parent by a judicial decree ordering the officer to contribute to the child's support or for other purposes; or

(3) Any other evidence which reasonably supports a finding of a parent-child relationship, such as—

(i) A certified copy of the public record of birth or a religious record showing that the officer was the informant and was named as the parent of the child; or

(ii) Affidavits or sworn statements of persons who know that the officer accepted the child as his or her own; or

(iii) Information obtained from a public agency or public records, such as school or welfare agencies, which shows that with the officer's knowledge the officer was named as the parent of the child.

(c) *Adopted child.* Except as may be provided in paragraph (b) of this section, evidence of relationship must be shown by a certified copy of the decree of adoption and such evidence as may be necessary. In jurisdictions where petition must be made to the court for release of adoption documents or information, or where the release of such documents or information is prohibited, a revised birth certificate will be sufficient to establish the fact of adoption.

(d) *Stepchild.* The relationship of a stepchild to the deceased officer shall be demonstrated by—

(1)(i) Evidence of birth to the spouse of the officer as required by paragraphs (a) and (b) of this section; or

(ii) If adopted by the spouse, evidence of adoption as required by paragraph (c) of this section; or

(iii) Other evidence, such as that specified in § 32.13(b), which reasonably supports the existence of a parent-child relationship between the child and the spouse;

(2) Evidence that the stepchild was either—

(i) Living with; or

(ii) Dependent for support, as set forth in § 32.15; or

(iii) In a parent-child relationship, as set forth in § 32.13(b), with the officer at the time of the officer's death; and

(3) Evidence of the marriage of the officer and the spouse, as required by § 32.12.

#### § 32.14 Determination of relationship of parent.

(a) *In general.* A claimant is the parent of a public safety officer if the officer's birth certificate shows the claimant as the officer's parent.

(b) *Alternative.* If the birth certificate does not show the claimant as the officer's parent, proof of the relationship may be shown by—

(1) An acknowledgement in writing signed by the claimant before the officer's death; or

(2) Evidence that the claimant has been identified as the officer's parent by judicial decree ordering the claimant to contribute to the officer's support or for other purposes; or

(3) Any other evidence which reasonably supports a finding of a parent-child relationship, such as:

(i) A certified copy of the public record of birth or a religious record showing that the claimant was the informant and was named as the parent of the officer; or

(ii) Affidavits or sworn statements of persons who know the claimant had accepted the officer as the claimant's child; or

(iii) Information obtained from a public agency or public records, such as school or welfare agencies, which shows that with the officer's knowledge the claimant had been named as the parent of the child.

(c) *Adoptive parent.* Except as provided in paragraph (b) of this section, evidence of relationship must be shown by a certified copy of the decree of adoption and such other evidence as may be necessary. In jurisdictions where petition must be made to the court for release of adoption documents or information, or where release of such documents or information is prohibited,

a revised birth certificate showing the claimant as the officer's parent will suffice.

(d) *Step-parent.* The relationship of a step-parent to the deceased officer shall be demonstrated by—

(1)(i) Evidence of the officer's birth to the spouse of the step-parent as required by § 32.13 (a) and (b); or

(ii) If adopted by the spouse or the step-parent, proof of adoption as required by § 32.13(c); or

(iii) Other evidence, such as that specified in paragraph (b) of this section, which reasonably supports a parent-child relationship between the spouse and the officer; and

(2) Evidence of the marriage of the spouse and the step-parent, as required by § 32.12.

#### § 32.15 Determination of dependency.

(a) To be eligible for a death benefit under the Act, a stepchild not living with the deceased officer at the time of the officer's death shall demonstrate that he or she was substantially reliant for support upon the income of the officer.

(b) The claimant stepchild shall demonstrate that he or she was dependent upon the decedent at either the time of the officer's death or of the personal injury that was the substantial factor in the officer's death.

(c) The claimant stepchild shall demonstrate dependency by submitting a signed statement of dependency within a year of the officer's death. This statement shall include the following information—

(1) A list of all sources of income or support for the twelve months preceding the officer's injury or death;

(2) The amount of income or value of support derived from each source listed; and

(3) The nature of support provided by the each source.

(d) Generally, the Bureau will consider a stepchild "dependent" if he or she was reliant on the income of the deceased officer for over one-third of his or her support.

#### Subpart D—Interim and Reduced Death Payments

##### § 32.16 Interim payment in general.

(a) Whenever the Bureau determines upon a showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding \$3,000 to the individual entitled to receive a benefit under subpart C of this part.

(b) The amount of an interim payment under this subpart shall be deducted from the amount of any final benefit paid to such individual.

**§ 32.17 Repayment and waiver of repayment.**

Where there is no final benefit paid, the recipient of any interim benefit paid under § 32.16 shall be liable for repayment of such amount. The Bureau may waive all or part of such repayment considering for this purpose the hardship which would result from such repayment.

**§ 32.18 Reduction of payment.**

(a) The benefit payable under this part shall be in addition to any other benefit that may be due from any other source, except—

(1) Payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, Sec. 4-622);

(2) Benefits authorized by section 8191 of title 5, United States Code, providing compensation for law enforcement officers not employed by the United States killed in connection with the commission of a crime against the United States. Such beneficiaries shall only receive benefits under such section 8191 that are in excess of the benefits received under this part; and

(3) The amount of the interim benefit payment made to the claimant pursuant to § 32.16.

(b) No benefit paid under this part shall be subject to execution or attachment.

(c) No benefit is payable under this part:

(1) With respect to the death of a public safety officer if a benefit is paid under this part with respect to the disability of such public safety officer; or

(2) With respect to the disability of a public safety officer if a benefit is payable under this part with respect to the death of such public safety officer.

**Subpart E—Filing and Processing of Claims**

**§ 32.19 Persons executing claims.**

(a) The Bureau shall determine who is the proper party to execute a claim in accordance with paragraphs (a) (1) through (3) of this section—

(1) The claim shall be executed by the claimant or the claimant's legally designated representative if the claimant is mentally competent and physically able to execute the claim.

(2) If the claimant is mentally incompetent or physically unable to execute the claim and—

(i) Has a legally appointed guardian, committee, or other representative, the

claim may be executed by such guardian, committee, or other representative; or

(ii) Is in the care of an institution, the claim may be executed by the manager or principal officer of such institution.

(3) For good cause shown, such as the age or prolonged absence of the claimant, the Bureau may accept a claim executed by a person other than one described in paragraphs (a)(1) and (a)(2) of this section.

(b) Where the claim is executed by a person other than the claimant, such person shall, at the time of filing the claim or within a reasonable time thereafter, file evidence of such person's authority to execute the claim on behalf of such claimant in accordance with paragraph (b) (1) and (2) of this section—

(1) If the person executing the claim is the legally-appointed guardian, committee, or other legally-designated representative of such claimant, the evidence shall be a certificate executed by the proper official of the court of appointment.

(2) If the person executing the claim is not such a legally designated representative, the evidence shall be a statement describing such person's relationship to the claimant or the extent to which such person has the care of such claimant or such person's position as an officer of the institution of which the claimant is an inmate or patient. The Bureau may, at any time, require additional evidence to establish the authority of any such person to file or withdraw a claim.

**§ 32.20 Claims.**

(a) Claimants are encouraged to submit their claims on OJP Form 3650/5 for death benefits, or the disability benefits claim form, which can be obtained from: Public Safety Officers' Benefits Program, Bureau of Justice Assistance, Washington, DC 20531.

(b) Where an individual files OJP Form 3650/5 for death benefits, or the disability benefits claim form, or other written statement with the Bureau which indicates an intention to claim benefits, the filing of such written statement shall be considered to be the filing of a claim for benefits.

(c) A claim by a permanently and totally disabled public safety officer or on behalf of survivor of a deceased public safety officer shall be filed within 1 year after the date of death or prerequisite disability certification unless the time for filing is extended by the Director for good cause shown.

(d) Except as otherwise provided in this part, the withdrawal of a claim, the cancellation of a request for such

withdrawal, or any notice provided for pursuant to the regulations in this part, shall be in writing and shall be signed by the claimant or the person legally designated to execute a claim under § 32.19.

**§ 32.21 Evidence.**

(a) A claimant for any benefit or fee under the Act and this part shall submit such evidence of eligibility or other material facts as is specified by this part. The Bureau may require at any time additional evidence to be submitted with regard to entitlement, the right to receive payment, the amount to be paid, or any other material issue.

(b) Whenever a claimant for any benefit or fee under the Act and this part has submitted no evidence or insufficient evidence of any material issue or fact, the Bureau shall inform the claimant what evidence is necessary for a determination as to such issue or fact and shall request the claimant to submit such evidence within a reasonably specified time. The claimant's failure to submit evidence on a material issue or fact as requested by the Bureau shall be a basis for determining that the claimant fails to satisfy the conditions required to award a benefit or fee or any part thereof.

(c) In cases where a copy of a record, document, or other evidence, or an excerpt of information therefrom, is acceptable as evidence in lieu of the original, such copy or excerpt shall, except as may otherwise clearly be indicated thereon, be certified as a true and exact copy or excerpt by the official custodian of such record, or other public official authorized to certify the copy.

**§ 32.22 Representation.**

(a) A claimant may be represented in any proceeding before the Bureau by an attorney or other person authorized to act on behalf of the claimant pursuant to § 32.19.

(b) No contract for a stipulated fee or for a fee on a contingent basis will be recognized. Any agreement between a representative and a claimant in violation of this subsection is void.

(c) Any individual who desires to charge or receive a fee for services rendered for an individual in any application or proceeding before the Bureau must file a written petition therefore in accordance with paragraph (e) of this section. The amount of the fee the petitioner may charge or receive, if any, shall be determined by the Bureau on the basis of the factors described in paragraphs (e) and (g) of this section.

(d) Written notice of a fee determination made under this section

shall be mailed to the representative and the claimant at their last known addresses. Such notice shall inform the parties of the amount of the fee authorized, the basis of the determination, and the fact that the Bureau assumes no responsibility for payment.

(e) To obtain approval of a fee for services performed before the Bureau, a representative, upon completion of the proceedings in which the representative rendered services, must file with the Bureau a written petition containing the following information—

- (1) The dates the representative's services began and ended;
- (2) An itemization of services rendered with the amount of time spent in hours, or parts thereof;
- (3) The amount of the fee the representative desires to charge for services performed;

(4) The amount of fee requested or charged for services rendered on behalf of the claimant in connection with other claims or causes of action arising from the officer's death or permanent and total disability before any State or Federal court or agency;

(5) The amount and itemization of expenses incurred for which reimbursement has been made or is expected;

(6) The special qualifications which enabled the representative to render valuable services to the claimant (this requirement does not apply where the representative is an attorney); and

(7) A statement showing that a copy of the petition was sent to the claimant and that the claimant was advised of the claimant's opportunity to submit his or her comments on the petition to BJA within 20 days.

(f) No fee determination will be made by the Bureau until 20 days after the date the petition was sent to the claimant. The Bureau encourages the claimant to submit comments on the petition to the Bureau during the 20-day period.

(g) In evaluating a request for approval of a fee, the purpose of the public safety officers' benefits program—to provide a measure of economic security for the beneficiaries thereof—will be considered, together with the following factors:

(1) The services performed (including type of service);

(2) The complexity of the case;

(3) The level of skill and competence required to render the services;

(4) The amount of time spent on the case;

(5) The results achieved;

(6) The level of administrative review to which the claim was carried within

the Bureau and the level of such review at which the representative entered the proceedings;

(7) The amount of the fee requested for services rendered, excluding the amount of any expenses incurred, but including any amount previously authorized or requested;

(8) The customary fee for this kind of service; and

(9) Other awards in similar cases.

(h) In determining the fee, the Bureau shall consider and add thereto the amount of reasonable and unreimbursed expenses incurred in establishing the claimant's case. No amount of reimbursement shall be permitted for expenses incurred in obtaining medical or documentary evidence in support of the claim which had previously been obtained by the Bureau, and no reimbursement shall be allowed for expenses incurred in establishing or pursuing the representative's application for approval of the fee.

#### Subpart F—Determination, Hearing, and Review

##### § 32.23 Finding of eligibility or ineligibility.

Upon making a finding of eligibility, the Bureau shall notify each claimant of its disposition of his or her claim. In those cases where the Bureau has found the claimant to be ineligible for a benefit, the Bureau shall specify the reasons for the finding. The finding shall set forth the findings of fact and conclusions of law supporting the decision. A copy of the decision, together with information as to the right to a hearing and review shall be mailed to the claimant at his or her last known address.

##### § 32.24 Request for a hearing.

(a) A claimant may, within thirty (30) days after notification of ineligibility by the Bureau, request the Bureau to reconsider its finding of ineligibility. The Bureau shall provide the claimant the opportunity for an oral hearing which shall be held within 60 days after the request for reconsideration. The claimant may waive the oral hearing and present written evidence to the Bureau within 60 days after the request. The request for hearing shall be made to the Director, Public Safety Officers' Benefits Program, BJA, Washington, DC 20531.

(b) If requested, the oral hearing shall be conducted before a hearing officer authorized by the Bureau to conduct the hearing in any location agreeable to the claimant and the hearing officer.

(c) In conducting the hearing, the hearing officer shall not be bound by common law or statutory rules of

evidence, by technical or formal rules of procedure, or by Chapter 5 of the Administrative Procedure Act (5 U.S.C. 551 et seq.), but must conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose, the hearing officer shall receive such relevant evidence as may be introduced by the claimant and shall, in addition, receive such other evidence as the hearing officer may determine to be necessary or useful in evaluating the claim. Evidence may be presented orally or in the form of written statements and exhibits. The hearing shall be recorded, and the original of the complete transcript shall be made a part of the claims record.

(d) Pursuant to sections 805, 806 and 1205(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3786, 3787 and 3796c, the hearing officer may, whenever necessary:

- (1) Issue subpoenas;
- (2) Administer oaths;
- (3) Examine witnesses; and
- (4) Receive evidence at any place in the United States.

(e) If the hearing officer believes that there is relevant and material evidence available which has not been presented at the hearing, the hearing officer may adjourn the hearing and, at any time prior to mailing the decision, reopen the hearing for the receipt of such evidence.

(f) A claimant may withdraw his or her request for a hearing at any time prior to the mailing of the decision by written notice to the hearing officer so stating, or by orally so stating at the hearing. A claimant shall be deemed to have abandoned his or her request for a hearing if he or she fails to appear at the time and place set for the hearing, and does not, within 10 days after the time set for the hearing, show good cause for such failure to appear.

(g) The hearing officer shall, within 30 days after receipt of the last piece of evidence relevant to the proceeding, make a determination of eligibility. The determination shall set forth the findings of fact and conclusions of law supporting the determination. The hearing officer's determination shall be the final agency decision, except when it is reviewed by the Director under paragraphs (h) or (i) of this section.

(h)(1) The Director may, on his or her own motion, review a determination made by a hearing officer. If the BJA Director decides to review the determination, he or she shall:

- (i) Inform the claimant of the hearing officer's determination and the BJA Director's decision to review that determination; and

(ii) Give the claimant 30 days to comment on the record and offer new evidence or argument on the issues in controversy.

(2) The BJA Director, in accordance with the facts found on review, may affirm or reverse the hearing officer's determination. The BJA Director's determination shall set forth the findings of fact and conclusions of law supporting the determination. The BJA Director's determination shall be the final agency decision.

(i)(1) A claimant determined ineligible by a hearing officer under paragraph (g) of this section may, within 30 days after notification of the hearing officer's determination:

(i) Request the BJA Director to review the record and the hearing officer's determination; and

(ii) Comment on the record and offer new evidence or argument on the issues in controversy.

(2) The BJA Director shall make the final agency determination of eligibility within 30 days after expiration of the comment period. The notice of final determination shall set forth the findings of fact and conclusions of law supporting the determination. The BJA Director's determination shall be the final agency decision.

(j) No payment of any portion of a death or permanent and total disability benefit, except interim death benefits payable under § 32.16, shall be made until all hearings and reviews which may affect that payment have been completed.

#### Subpart G—National Programs for Families of Public Safety Officers Who Have Died in the Line of Duty

##### § 32.25 National programs.

The Director is authorized and directed to use up to \$150,000 of the funds appropriated for this part to establish national programs to assist the families of public safety officers who have died in the line of duty.

#### Appendix To Part 32—PSOB Hearing and Appeal Procedures

##### a. Notification to Claimant of Denial

These appeal procedures apply to a claimant's<sup>1</sup> request for reconsideration of a denial made by the Public Safety Officers' Benefits (PSOB) Office. The denial letter will advise the claimant of the findings of fact and conclusions of law supporting the PSOB Office's determination, and of the appeal procedures available under § 32.24 of the PSOB regulations. A copy of every document in the case file that (1) contributed to the

determination, and (2) was not provided by the claimant shall also be attached to the denial letter, except where disclosure of the material would result in a clearly unwarranted invasion of a third party's privacy. The attached material might typically include medical opinions offered by the Armed Forces Institute of Pathology or other medical experts, legal memoranda from the Office of General Counsel of the Office of Justice Programs, or memoranda to the file prepared by PSOB Office staff. A copy of the PSOB regulations (28 CFR part 32) shall also be enclosed.

##### b. Receipt of Appeal

1. When an appeal has been received, the PSOB Office will assign the case and will transmit the complete case file to a hearing officer. Assignments will be made in turn, from a standing roster, except in those cases where a case is particularly suitable to a specific hearing officer's experience.

2. The PSOB Office will inform the claimant of the name of the hearing officer, request submission of all evidence to the hearing officer, and send a copy of this appeals procedure. If an oral hearing is requested, the PSOB Office will be responsible for scheduling the hearing and making the required travel arrangements.

3. The PSOB Office will be responsible for providing all administrative support to the hearing officer. An attorney from the Office of General Counsel (OGC) who has not participated in the consideration of the claim will provide legal advice to the hearing officer. The hearing officer is encouraged to solicit the advice of the assigned OGC attorney on all questions of law.

4. Prior to the hearing, the hearing officer shall request the claimant to provide a list of expected witnesses and a brief summary of their anticipated testimony.

##### c. Designation of Hearing Officers

A. In an internal instruction the BJA Director designated a roster of hearing officers to hear PSOB appeals.

1. The hearing officers are specifically delegated the Director's authority to:

- (i) Issue subpoenas;
- (ii) Administer oaths;
- (iii) Examine witnesses; and
- (iv) Receive evidence at any place in the United States the officer may designate.

##### d. Conduct of the Oral Hearing

A. If requested, an oral hearing shall be conducted before the hearing officer in any location agreeable to the officer and the claimant.

1. The hearing officer shall call the hearing to order and advise the claimant of (1) the findings of fact and conclusions of law supporting the initial determination; (2) the nature of the hearing officer's authority; and (3) the manner in which the hearing will be conducted and a determination reached.

2. In conducting the hearing, the hearing officer shall not be bound by common law or statutory rules of evidence, by technical or formal rules or procedures, or by Chapter 5 of the Administrative Procedure Act, but must conduct the hearing in such a manner as best to ascertain the rights of the claimant.

3. The hearing officer shall receive such relevant evidence as may be introduced by the claimant and shall, in addition, receive such other evidence as the hearing officer may determine to be necessary or useful in evaluating the claim.

4. Evidence may be presented orally or in the form of written statements and exhibits. All witnesses shall be sworn by oath or affirmation.

5. If the hearing officer believes that there is relevant and material evidence available which has not been presented at the hearing, the hearing may be adjourned and, at any time prior to the mailing of notice of the decision, reopened for the receipt of such evidence. The officer should, in any event, seek to conclude the hearing within 30 days from the first day of the hearing.

6. All hearings shall be attended by the claimant, his or her representative, and such other persons as the hearing officer deems necessary and proper. The wishes of the claimant should always be solicited before any other persons are admitted to the hearing.

7. The hearing shall be recorded, and the original of the complete transcript shall be made a part of the claims record.

8. The hearing will be deemed closed on the day the hearing officer receives the last piece of evidence relevant to the proceeding.

9. If the claimant waives the oral hearing, the hearing officer shall receive all relevant written evidence the claimant wishes to submit. The hearing officer may ask the claimant to clarify or explain the evidence submitted, when appropriate. The hearing officer should seek to close the record no later than 60 days after the claimant's request for reconsideration.

##### e. Determination

1. A copy of the transcript shall be provided to the hearing officer, to the claimant, to the PSOB Office, and to the OGC after the conclusion of the hearing.

2. The hearing officer shall make his, or her, determination no later than the 30th day after the last evidence has been received. Copies of the determination shall be made available to the PSOB Office and the OGC for their review.

3. If either the PSOB Office or the OGC disagrees with the hearing officer's final determination, that office may request the BJA Director to review the record. If the BJA Director agrees to review the record, he or she will send the hearing officer's determination, all comments received from the PSOB Office, the OGC, or other sources (except where disclosure of the material would result in an unwarranted invasion of privacy), and notice of his or her intent to review the record to the claimant. The BJA Director will also advise the claimant of his or her opportunity to offer comments, new evidence, and argument within 30 days after the receipt of notification. The BJA Director shall seek to advise all parties of the final agency decision within 30 days after the expiration of the comment period.

4. If the PSOB Office and the OGC agree with the hearing officer's determination or the BJA Director declines to review the

<sup>1</sup> As used in this procedure, the word, "claimant" means a claimant for benefits or, where appropriate, the claimant's designated representative.

record, the hearing officer's determination will be the final agency decision and will be sent to the claimant by the PSOB Office immediately.

5. If the hearing officer's determination is a denial, all material that (1) contributed to the determination and (2) was not provided by the claimant shall be attached to the denial letter, except where disclosure of the material would result in a clearly unwarranted

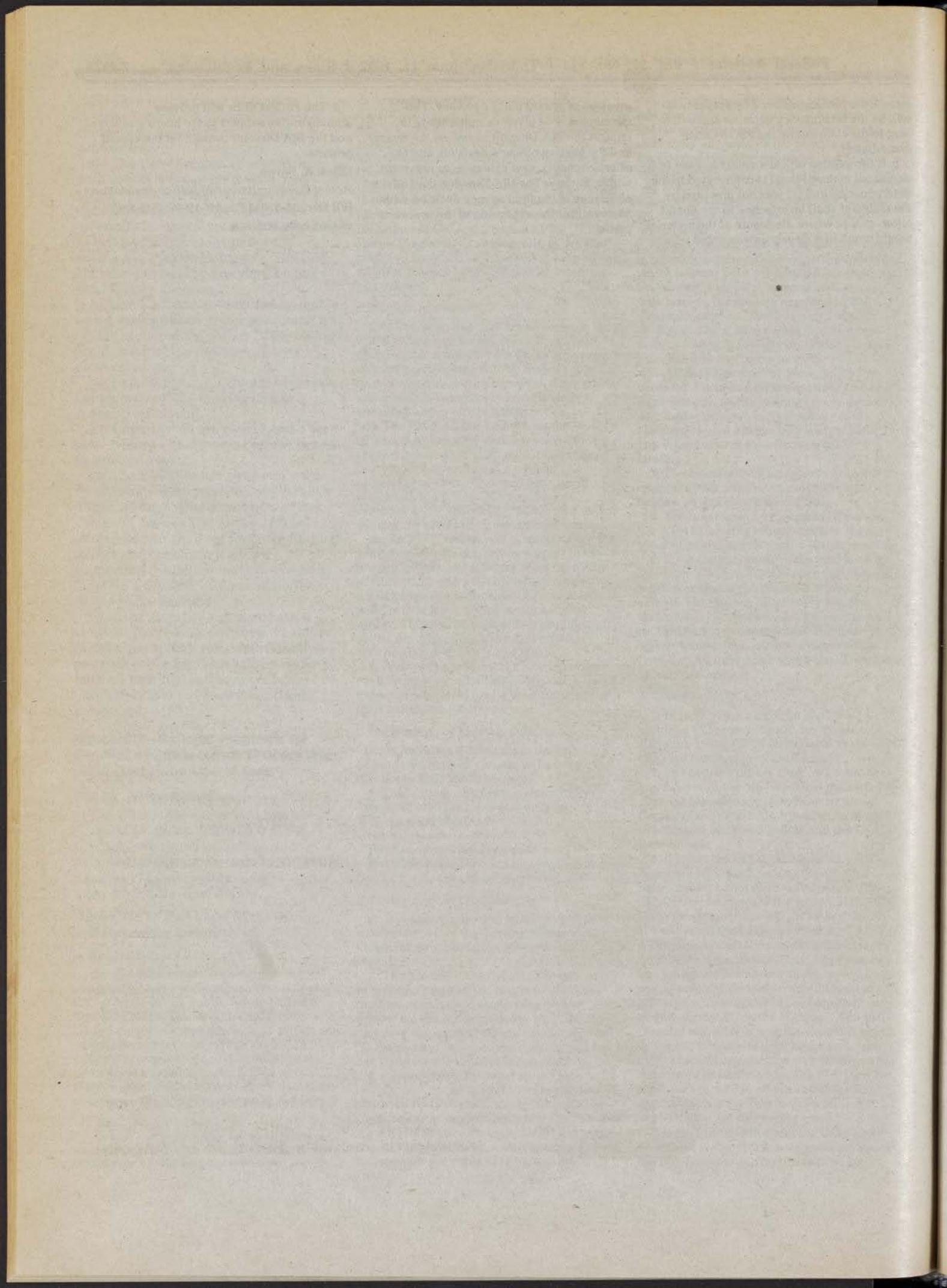
invasion of a third party's privacy. The claimant will be given an opportunity to request the BJA Director to review the record and the hearing officer's decision, and to offer comments, new evidence, or argument within 30 days. The BJA Director shall advise all parties of the final agency decision within 30 days after the expiration of the comment period.

6. The PSOB Office will provide administrative support to the hearing officer and the BJA Director throughout the appeal process.

**Elliott A. Brown,**

*Acting Director, Bureau of Justice Assistance.*  
[FR Doc. 92-13633 Filed 6-10-92; 8:45 am]

BILLING CODE 4410-18-M





---

Thursday  
June 11, 1992

---

---

## Part IV

### **The President**

---

**Presidential Determination No. 92-27—  
Determination and Certification Under  
Section 8 of the Horn of Africa  
Recovery and Food Security Act:  
Ethiopia**

**Presidential Determination No. 92-28—  
Eligibility of the Comoros To Be  
Furnished Defense Articles and Services  
Under the Foreign Assistance Act and  
the Arms Export Control Act**

**Presidential Determination No. 92-30—  
Determination Under Section 402(d)(1) of  
the Trade Act of 1974, as Amended—  
Continuation of Waiver Authority**

**Presidential Determination No. 92-31—  
Determination Under Section 402(c)(2)(A)  
of the Trade Act of 1974, as Amended—  
Tajikistan and Turkmenistan**

**Presidential Determination No. 92-32—  
Determination Under Section 2(b)(2) of  
the Export-Import Bank Act of 1945, as  
Amended: People's Republic of Angola**

## THE INTERVIEW WITH

AN OLD ACCOMPLISHED TELLER OF STORIES  
WHICH HE HAS COLLECTED FROM  
MANY TO THOM ASH TO 8 NUMBER  
OF CHURCH HIGH AND MIDDLE  
SCHOOL.

ASH: OF COURSE YOU ARE A TELLER OF STORIES  
NOT OF VICTORY BUT OF VICTIM  
WHICH IS THE SAME AS SAYING  
THAT YOU ARE A TELLER OF VICTIM  
NOT OF VICTORY. CAN YOU TELL ME  
WHY YOU ARE A TELLER OF VICTIM?

OLD TELLER: I TELL STORIES BECAUSE  
I HAVE NO OTHER WAY OF TELLING  
WHAT HAS BEEN TO ME SINCE ALL I  
CAN TELL IS THAT I HAVE BEEN TOLD.

ASH: AND ACCORDINGLY I TELL STORIES  
TO YOU BECAUSE I AM TELLING  
WHAT HAS BEEN TO ME SINCE ALL I  
CAN TELL IS THAT I HAVE BEEN TOLD.

## Presidential Documents

Title 3—

Presidential Determination No. 92-27 of May 26, 1992

The President

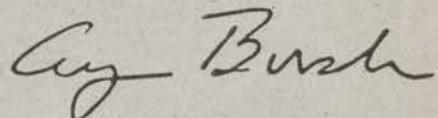
Determination and Certification Under Section 8 of the Horn of Africa Recovery and Food Security Act: Ethiopia

### Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 8 of the Horn of Africa Recovery and Food Security Act (Public Law 102-274; 106 Stat. 115), I hereby determine and certify that the Government of Ethiopia:

- (1) has begun to implement peace agreements and national reconciliation agreements;
- (2) has demonstrated a commitment to human rights within the meaning of sections 116 and 502B of the Foreign Assistance Act of 1961;
- (3) has manifested a commitment to democracy, has established a timetable for free and fair elections, and has agreed to implement the results of those elections; and
- (4) has agreed to distribute developmental assistance on the basis of need without regard to political affiliation, geographic location, or the ethnic, tribal, or religious identity of the recipient.

You are authorized and directed to report this determination and certification to the Congress and to publish it in the *Federal Register*.



THE WHITE HOUSE,  
Washington, May 26, 1992.

[FR Doc. 92-13989]

Filed 6-10-92; 11:54 am]

Billing code 3195-01-M



## Presidential Documents

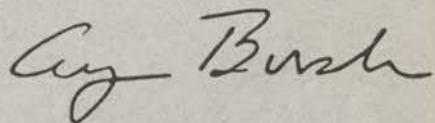
### Presidential Determination No. 92-28 of May 26, 1992

#### Eligibility of the Comoros to be Furnished Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act

##### Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 503(a) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2311(a)), and section 3(a)(1) of the Arms Export Control Act (22 U.S.C. 2753(a)(1)), I hereby find and determine that the furnishing of defense articles and services to the Government of the Comoros will strengthen the security of the United States and promote world peace.

You are authorized and directed to report this determination to the Congress and to publish it in the *Federal Register*.



THE WHITE HOUSE,  
*Washington, May 26, 1992.*

[FR Doc. 92-13993  
Filed 6-10-92; 11:55 am]  
Billing code 3195-01-M



## Presidential Documents

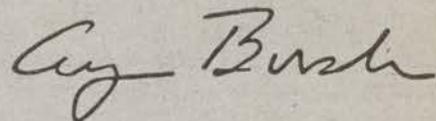
### Presidential Determination No. 92-30 of June 3, 1992

### Determination Under Section 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

#### Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93-618, 88 Stat. 1978 (hereinafter "the Act"), I determine, pursuant to section 402(d)(1) of the Act (19 U.S.C. 2432(d)(1)), that the further extension of the waiver authority granted by section 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waivers applicable to Albania, Armenia, Azerbaijan, Bulgaria, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Mongolia, Romania, Russia, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the **Federal Register**.



THE WHITE HOUSE,  
Washington, June 3, 1992.

[FR Doc. 92-13992]

Filed 6-10-92; 11:56 am]

Billing code 3195-01-M



## Presidential Documents

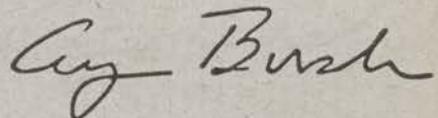
### Presidential Determination No. 92-31 of June 3, 1992

### Determination Under Section 402(c)(2)(A) of the Trade Act of 1974, as Amended—Tajikistan and Turkmenistan

#### Memorandum for the Secretary of State

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2432(c)(2)(A)), as amended (the "Act"), I determine that a waiver by Executive order of the application of subsections (a) and (b) of section 402 of the Act with respect to Tajikistan and Turkmenistan will substantially promote the objectives of section 402.

You are authorized and directed to publish this determination in the Federal Register.



THE WHITE HOUSE,  
*Washington, June 3, 1992.*

[FR Doc. 92-13991]

Filed 6-10-92; 11:57 am]

Billing code 3195-01-M

1937年1月1日，中華人民共和國人民民主專政中央人民委員會發佈《中華人民共和國人民民主專政中央人民委員會關於人民民主專政的決定》。

## Presidential Documents

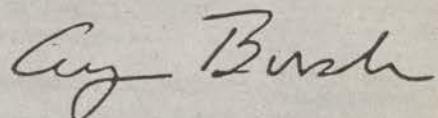
Presidential Determination No. 92-32 of June 3, 1992

### Determination Under Section 2(b)(2) of the Export-Import Bank Act of 1945, as Amended: People's Republic of Angola

#### Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 2(b)(2)(C) of the Export-Import Bank Act of 1945, as amended (the Act), 12 U.S.C. 635(b)(2)(C), I hereby determine that the People's Republic of Angola has ceased to be a Marxist-Leninist country within the definition of such terms in subparagraph (B)(i) of such section.

You are authorized and directed to report this determination to the Congress and to publish it in the **Federal Register**.



THE WHITE HOUSE,  
Washington, June 3, 1992.

[FR Doc. 92-13990

Filed 6-10-92; 11:58 am]

Billing code 3195-01-M



# Reader Aids

## INFORMATION AND ASSISTANCE

### Federal Register

Index, finding aids & general information	202-523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

### Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

### Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

### Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

### The United States Government Manual

General information	523-5230
---------------------	----------

### Other Services

Data base and machine readable specifications	523-3447
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

## FEDERAL REGISTER PAGES AND DATES, JUNE

23043-23134.	1
23135-23300.	2
23301-23522.	3
23523-23924.	4
23925-24178.	5
24179-24344.	8
24345-24538.	9
24539-24748.	10
24749-24934.	11

## Federal Register

Vol. 57, No. 113

Thursday, June 11, 1992

## CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

<b>3 CFR</b>	93.....	23048
<b>Executive Orders:</b>	94.....	23927
12324 (Revoked by EO 12807).....	23133	24542
12808 (See EO 12810).....	23437	
12807.....	23133	23540
12808.....	23299	23540
12809.....	23925	
12810.....	23437	23540
<b>Proposed Rules:</b>	91.....	23066
160.....	23540	
161.....	23540	
162.....	23437	
<b>10 CFR</b>	19.....	23929
20.....	23929	
205.....	23929	
417.....	23931	
445.....	23931	
456.....	23931	
490.....	23931	
595.....	23523	
1001.....	23929	
<b>Proposed Rules:</b>	30.....	24763
35.....	24763	
52.....	24934	
100.....	23548	
<b>12 CFR</b>	304.....	23931
337.....	23933	
<b>Proposed Rules:</b>	611.....	23348
615.....	23348	
627.....	23348	
700.....	24395	
<b>14 CFR</b>	21.....	23523
29.....	23523	
39.....	23049-23053, 23126, 23135, 23526-23530, 24356	
71.....	24357	
95.....	24358	
97.....	24181, 24182	
121.....	23922	
125.....	23922	
127.....	23922	
129.....	23922	
135.....	23922	
139.....	23126	
<b>Proposed Rules:</b>	Ch. I.....	23165
21.....	23165	
23.....	23165	
39.....	23168, 23169, 23549- 23553, 23966-23978, 24200, 24201, 24395, 24407	
71.....	23126, 23257, 24202, 24412, 24413	
382.....	23555	
<b>15 CFR</b>		
<b>Proposed Rules:</b>	Ch. IX.....	23067

303.....	24414	935.....	23176-23179	<b>40 CFR</b>	73.....	23188, 23567, 24577	
		944.....	23181	52.....	24368, 24378, 24549,	24752	
<b>17 CFR</b>		<b>31 CFR</b>		60.....	24550	552.....	23163
1.....	23136	26.....	24544	61.....	23305	710.....	23320
3.....	23136	580.....	23954	141.....	24744	752.....	23320
<b>Proposed Rules:</b>		<b>32 CFR</b>		180.....	24552, 24553	2801.....	24555
240.....	24415	208.....	24463	261.....	23062	2803.....	24555
270.....	23980	311.....	24547	271.....	23063	2804.....	24555
<b>18 CFR</b>		312.....	24547	272.....	24757	2805.....	24555
1301.....	23531	355.....	23157	281.....	24759	2806.....	24555
<b>Proposed Rules:</b>		706.....	23061, 24548	<b>Proposed Rules:</b>		2807.....	24555
33.....	23171	<b>33 CFR</b>		Ch. I.....	24765	2810.....	24555
35.....	23171	100.....	23302, 23303, 23533,	52.....	24447, 24455	2813.....	24555
290.....	23171	23534, 23955		86.....	24457	2817.....	24555
<b>19 CFR</b>		117.....	24189, 24190	180.....	23366, 24565	2833.....	24555
4.....	23944	165.....	23304, 23534, 24750	185.....	23366	2834.....	24555
<b>20 CFR</b>		<b>Proposed Rules:</b>		260.....	24004	<b>Proposed Rules:</b>	
404.....	23054, 23155, 23945,	100.....	23458	261.....	24004	21.....	24720
	23946, 24186, 24308	110.....	23458	262.....	24004	2401.....	24334
416.....	23054	117.....	23363	264.....	24004	2402.....	24334
<b>21 CFR</b>		165.....	23364, 23458, 23561,	268.....	24004	2403.....	24334
3.....	24544	24203, 24204, 24444		721.....	23182	2405.....	24334
176.....	23947	<b>34 CFR</b>		763.....	23183	2406.....	24334
178.....	23950	201.....	24751	799.....	24568	2409.....	24334
558.....	23058, 23953	425.....	24084	<b>41 CFR</b>		2413.....	24334
573.....	24187	426.....	24084	101-38.....	24760	2414.....	24334
807.....	23059	431.....	24084	<b>Proposed Rules:</b>		2415.....	24334
1308.....	23301	432.....	24084	101-2.....	24767	2416.....	24334
<b>Proposed Rules:</b>		433.....	24084	105.....	23368	2419.....	24334
146.....	23555	434.....	24084	106.....	23368	2425.....	24334
163.....	23989	435.....	24084	107.....	23368	2426.....	24334
334.....	23174	436.....	24084	<b>42 CFR</b>		2428.....	24334
<b>23 CFR</b>		437.....	24084	412.....	23618	2432.....	24334
<b>Proposed Rules:</b>		438.....	24084	413.....	23618	2433.....	24334
Ch. I.....	23460	441.....	24084	<b>43 CFR</b>		2436.....	24334
<b>24 CFR</b>		460.....	24084	414.....	23618	2437.....	24334
901.....	23953	461.....	24084	<b>Proposed Rules:</b>		2446.....	24334
<b>Proposed Rules:</b>		462.....	24084	9903.....	23189	2452.....	24334
203.....	24424	463.....	24084	9905.....	23189	<b>49 CFR</b>	
204.....	24424	464.....	24084	<b>44 CFR</b>		544.....	23535
<b>25 CFR</b>		471.....	24084	64.....	23159	571.....	23958
700.....	24363	472.....	24084	<b>46 CFR</b>		1001.....	24380
<b>26 CFR</b>		473.....	24084	221.....	23470	1332.....	23538
1.....	24187, 24749	474.....	24084	383.....	24191	<b>Proposed Rules:</b>	
<b>Proposed Rules:</b>		475.....	24084	401.....	23955	Ch. VI.....	23460
1.....	23176, 23356, 24426	476.....	24084	<b>Proposed Rules:</b>		172.....	24432
301.....	23356	477.....	24084	510.....	23563, 24004	391.....	23370
<b>27 CFR</b>		489.....	24084	515.....	24569	571.....	24008, 24009, 24207,
47.....	24188	490.....	24084	520.....	23564		24212
<b>Proposed Rules:</b>		491.....	24084	525.....	24006	659.....	24768
9.....	23559	<b>36 CFR</b>		530.....	24006	1004.....	23072
24.....	23357	1228.....	24308	550.....	23564, 23566	1023.....	23372
<b>28 CFR</b>		<b>37 CFR</b>		560.....	24569, 24571	1321.....	23568
32.....	24912	<b>Proposed Rules:</b>		572.....	24569, 24571	<b>50 CFR</b>	
541.....	23260	1.....	23257	580.....	23368, 23563, 23564,	17.....	24192
<b>29 CFR</b>		2.....	23257		23566	227.....	23458
1910.....	23060, 24310, 24438,	<b>Proposed Rules:</b>		581.....	24220	663.....	23065
	24701	3.....	24446	582.....	23563	672.....	23163, 23321-23346,
1915.....	24438	21.....	24447	<b>47 CFR</b>			23965, 24381, 24559
1926.....	24310, 24438	<b>38 CFR</b>		1.....	23160, 23161	675.....	23321, 23347, 24381,
<b>30 CFR</b>		4.....	24363	69.....	24379		24559
<b>Proposed Rules:</b>		21.....	24366, 24367	73.....	23162, 24544	<b>Proposed Rules:</b>	
202.....	23068	<b>Proposed Rules:</b>		90.....	24192	17.....	24220-24222
		1.....	24446	<b>Proposed Rules:</b>		20.....	24736
		21.....	24447	Ch. I.....	24574	611.....	24222
		<b>39 CFR</b>		1.....	24006, 24205	625.....	24012, 24577
		<b>Proposed Rules:</b>		2.....	24006	651.....	24013
		111.....	23072	21.....	24006	653.....	23199
		3001.....	24564	69.....	24379	663.....	24589
						675.....	24014

678..... 24222

#### **LIST OF PUBLIC LAWS**

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List June 9, 1992

# Guide to Record Retention Requirements in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

The GUIDE to record retention is a useful reference tool, compiled from agency regulations, designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

## Superintendent of Documents Publications Order Form

Order Processing Code:

\*

**YES**, please send me the following:

Charge your order.  
It's Easy!



To fax your orders (202) 512-2250

\_\_\_\_ copies of the 1992 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR  
S/N 069-000-00046-1 at \$15.00 each.

The total cost of my order is \$\_\_\_\_\_. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

YES NO

May we make your name/address available to other mailers?

### Please Choose Method of Payment:

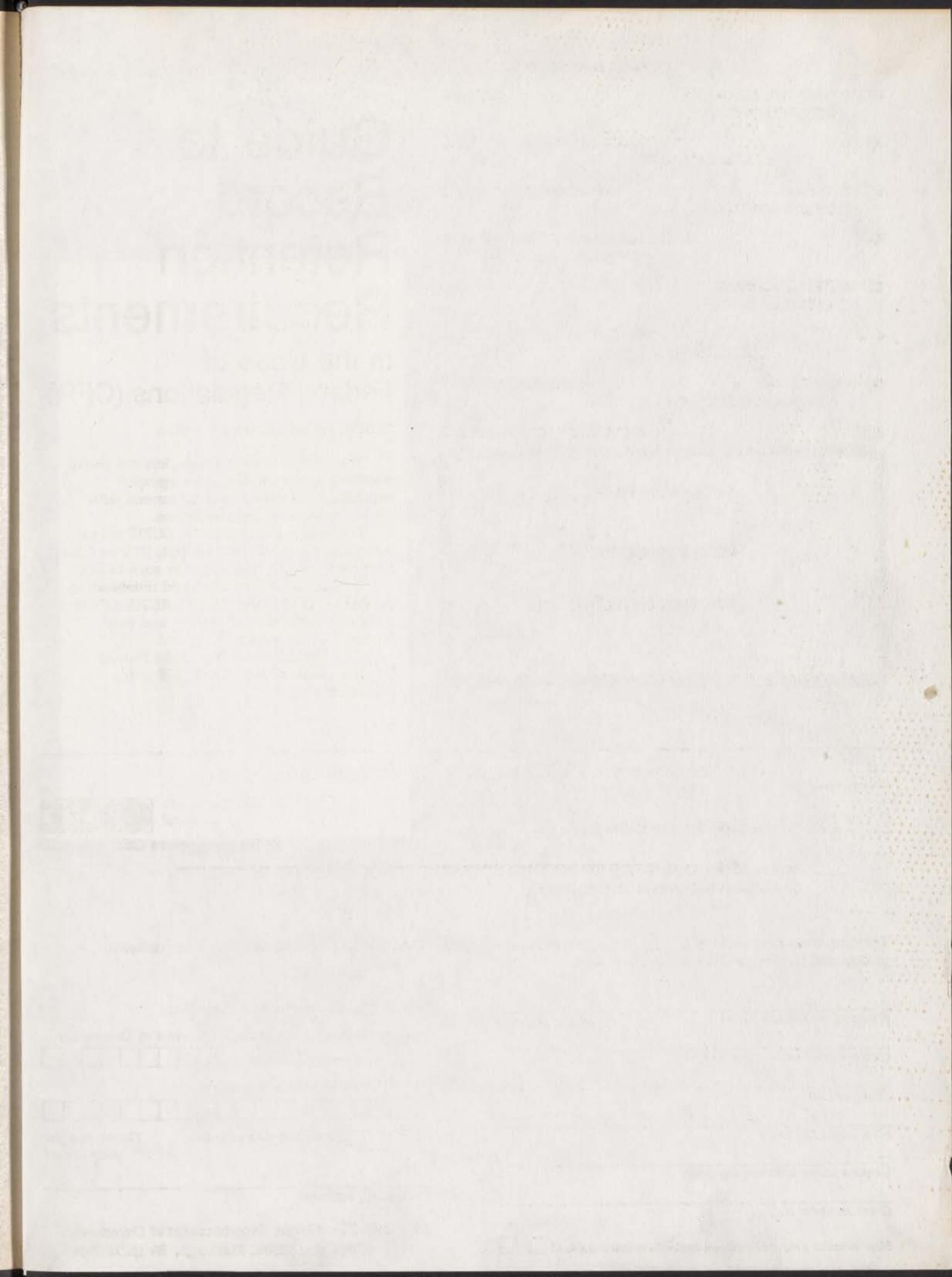
Check Payable to the Superintendent of Documents  
 GPO Deposit Account \_\_\_\_\_ - \_\_\_\_\_  
 VISA or MasterCard Account \_\_\_\_\_

\_\_\_\_\_ (Credit card expiration date)

Thank you for  
your order!

(Authorizing Signature)

Mail To: New Orders, Superintendent of Documents  
P.O. Box 371954, Pittsburgh, PA 15250-7954



10